

completion of the topographical mapping of the United States; to the Committee on Interstate and Foreign Commerce.

1681. By Mr. WEFALD: Petition of the Twin City Carpenters' Union, St. Paul, Minn., urging the defeat of House bill 691, providing for the registration, photographing, and finger printing of the foreign-born workers, like criminals, and urging the defeat of House bill 2900, providing for the scrutiny of prospective immigrants in their native country before allowing them to enter or leave for the United States; to the Committee on Immigration and Naturalization.

1682. Also, petition of a public mass meeting arranged by Greek, Italian, Jewish, Polish, Russian, Slovak, and Ukrainian citizens of Minneapolis, Minn., at the assembly room of the courthouse, protesting against the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1683. Also, petition of the Cooperative Livestock Shippers' Association, St. Paul, Minn., urging the passage of House bills 5003, 4823, and 4824, amending the packers and stockyards act; to the Committee on Agriculture.

1684. Also, petition of the Commercial Club of East Grand Forks, Minn., urging the passage of the McNary-Haugen bill (H. R. 5563) providing for the relief of agriculture; to the Committee on Agriculture.

1685. Also, petition of the farmers and business men of Pipestone, Minn., urging the passage of the McNary-Haugen bill, providing for the relief of agriculture; to the Committee on Agriculture.

1686. Also, petition of the Crookston (Minn.) Central Labor Union, urging the passage of House bill 487, providing for workmen's compensation for the District of Columbia; to the Committee on the District of Columbia.

1687. Also, petition of the Kittson County (Minn.) Export League, urging the enactment of the McNary-Haugen bill, providing for the relief of agriculture, into law; to the Committee on Agriculture.

SENATE.

WEDNESDAY, March 12, 1924.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father and our God, we would to-day rest in the sunshine of Thy love and would ask Thee so to qualify us in heart and will that we may be glad to do that which is in accordance with Thy mind. Help us more and more to realize that the things that are eternal are the things which are infinitely worth while, and so regulate our conduct and dispose of our opportunity that we may fulfill the high, enduring pleasure of seeing Thee, who art invisible. We ask in Jesus' name. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (George A. Sanderson) read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., March 12, 1924.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. CHARLES CURTIS, a Senator from the State of Kansas, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,
President pro tempore.

Mr. CURTIS thereupon took the chair as Presiding Officer.

THE JOURNAL.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. JONES of Washington and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll. The principal clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Frazier	Jones, N. Mex.
Ashurst	Couzens	George	Jones, Wash.
Bayard	Curtis	Gerry	Kendrick
Borah	Dale	Glass	Keyes
Brandegee	Dill	Gooding	King
Brookhart	Edge	Hale	Ladd
Broussard	Edwards	Harrell	Lodge
Bruce	Ernst	Harris	McCormick
Bursum	Ferris	Harrison	McKellar
Cameron	Fess	Howell	McKinley
Capper	Fletcher	Johnson, Minn.	McLean

McNary	Pittman	Simmons	Walsh, Mass.
Mayfield	Ransdell	Smith	Walsh, Mont.
Moses	Reed, Mo.	Snoot	Warren
Neely	Reed, Pa.	Spencer	Watson
Norris	Robinson	Stephens	Weller
Oddie	Sheppard	Swanson	Wheeler
Pepper	Shields	Trammell	Willis
Phipps	Shipstead	Wadsworth	

The PRESIDING OFFICER. Seventy-five Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 634) to authorize the coinage of 50-cent pieces in commemoration of the commencement on June 18, 1923, of the work of carving on Stone Mountain, in the State of Georgia, a monument to the valor of the soldiers of the South, which was the inspiration of their sons and daughters and grandsons and granddaughters in the Spanish-American and World Wars, and in memory of Warren G. Harding, President of the United States of America, in whose administration the work was begun.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Presiding Officer [Mr. CURTIS] as Acting President pro tempore:

H. R. 6901. An act to amend section 252 of the revenue act of 1921, in respect of credits and refunds; and

S. J. Res. 91. Joint resolution to authorize the National Society United States Daughters of 1812 to place a marble tablet on the Francis Scott Key Bridge.

ADDRESS BY SENATOR ROBINSON.

Mr. PITTMAN. Mr. President, I ask unanimous consent to have printed in the Record an address by the senior Senator from Arkansas [Mr. ROBINSON] delivered in New York on Friday, March 7, 1924, entitled "The Relation of Business to Government."

The PRESIDING OFFICER (Mr. CURTIS in the chair). Is there objection? The Chair hears none, and it is so ordered. The address is as follows:

ADDRESS OF SENATOR JOSEPH T. ROBINSON AT ANNUAL MEETING OF ARKANSAS SOCIETY, NEW YORK CITY, FRIDAY, MARCH 7, 1924.

THE RELATION OF BUSINESS TO GOVERNMENT.

Senator ROBINSON. Mr. President, in the political campaign of 1920 the slogan "We want more business in government and less government in business" was used effectively to discredit the party then in power. Many measures enacted by the Congress to help win the war had imposed restraints on industry and enterprise. They proved harassing while the war lasted and became intolerable after the return of peace. Some of these measures had been only lately repealed, while others were still in force, and the phrase "less government in business" induced support for Mr. Harding from thousands of electors who did not take the trouble to recall that all war measures were passed well-nigh unanimously and without the slightest division on party lines.

The policy of "less government in business and more business in government" is correct in principle but quite impracticable of application under existing conditions and in the present state of the public mind. There should be as little governmental interference in private industry as may be consistent with the general welfare. Initiative and enterprise manifestly are hampered and restricted under too rigid regulation, so that timidity and hesitation are often displayed by individuals and corporations where courage and quick decision are required to promote prosperity.

Desirable as the end would be, it is impossible wholly to divorce Government from business without revolutionizing both. No satisfactory method has been proposed to restore governmental functions to that simplicity which existed prior to the appearance of the dominating influences which have their origin in "big business." The trust problem appeared in the United States after the close of the Civil War. The forces and conditions, however, which produced that problem had long been at work. It was inevitable that the combinations of resources essential to the development of unpopulated areas and unused resources should result in coalitions of brain power certain to produce monopolies.

INFLUENCE OF TRUST AND MONOPOLIES.

The 30 years which immediately followed the close of the Civil War were marked by the multiplication and growth in power of monopolies, so that by 1890 the paramount public problems relating to American business were not how to procure capital for the promotion of large and beneficial enterprises but how to restrain monopolies from exercising sovereignty—how to prevent the trusts from controlling the Government. The act to regulate commerce, enacted in 1887, and

amendments adopted from time to time, and the Sherman antitrust law of 1890 were legislative expressions of the popular will to curb the growing power of business combinations over the life and the happiness of the citizens.

Government interference with business became necessary when business interfered too much with Government.

What would have happened if no effort had been made, if no laws had been enacted, and if no court proceedings had been instituted to protect the public against the greed and avarice of the trusts? Some think that gigantic combinations of capital are to be regarded always as benevolent factors in our civilization, but too many instances are known where they have proved destructive of liberty—instances in which helpless and deserving individuals have been driven mercilessly into bankruptcy and ruin merely because of the competition, sometimes actual, sometimes only potential, between them and their oppressors. Modern business organizations by unfair methods in many cases have made governmental regulation imperative to protect the public against exploitation and oppression.

INFLUENCE OF THE PROTECTIVE-TARIFF SYSTEM ON GOVERNMENT.

The protective-tariff system has not only invited powerful business interests to attempt control of Government agencies; it has put a premium on selfishness and corruption in politics. When the Government lends itself to exploiting the entire population—to taxing 110,000,000 people in order to maintain high prices, which is the underlying principle of the present protective tariff law—it recognizes the right of selfish interests to employ and control the authority and agencies of sovereignty. Such a system could not lead anywhere except to the deplorable political status in which the American people now find themselves. Corruption is the natural, if not the inevitable, result of the political theory that government exists to award special advantages and to promote special interests. It is not a far step from the abuse of power employed in levying a tax to maintain excessive prices to the shocking moral delinquency exemplified when the beneficiaries are permitted to name at will tax rates for their own protection which, of course, result in the spoliation of consumers.

A distinction, however, is attempted by a class of political leaders who imagine they discriminate between the immorality of extorting campaign funds from tariff barons and the corrupt act of procuring loans through granting oil leases on the public domain.

GOVERNMENT THROUGH PROPAGANDA.

As a result of the reciprocal efforts of Government and business to control each other, we have an era of propaganda. Blocs, alleged reform agencies, and secret combinations are formed for the purpose of securing special advantages for the gratification of the peculiar class consciousness of their members. There is only one thing on which they all seem to agree, and that is that the inclusion of an appropriation of Federal moneys usually is an act of virtue partially redeeming from objection measures which extend the sphere of Federal activity to every phase of life.

ECONOMY.

Everyone advocates economy in general terms, but no one seems consistently to support it in specific instances. This is why the United States now expends annually between \$3,000,000,000 and \$4,000,000,000. It partially accounts for the prevailing high taxes which everyone desires reduced. While propaganda is occasionally directed against appropriations, always there are organized groups driving relentlessly every comprehensive plan proposed for increasing Federal expenditures.

Only by heroic reforms—by restoring the Government to greater simplicity, by abolishing bureaus and repealing laws which extend Federal action and multiply Federal agencies, only by abandoning or reducing appropriations for internal improvements and for Federal service can the Budget be brought within reasonable bounds. The accomplishment of such an end is associated with difficulties not likely soon to be overcome. The moment Congress attempts to cut down the sphere of Federal activity and reduce the number of Federal employees a cry of protest is sounded and hosts of propagandists march with measured tread and deafening shout against the Capitol. The struggle to prevent Government interference with business will not succeed until the necessity for separating business from Government has ended. Higher ideals are required in politics and in business to safeguard the honor of the Nation against disgraceful abuses such as have occurred in connection with the Veterans' Bureau and the naval oil reserve leases.

Just as the majority of men prominent in business affairs are honest and incorruptible, so as a rule those who have attained to eminence in public life are upright in motives and in conduct. Nevertheless, shocking evidences of dereliction, incompetence, and corruption on the part of a number of Federal officers have given force to the growing conviction in the minds of many citizens that the Government is corrupt throughout and hardly worth preserving.

OIL-LEASE SCANDALS.

The oil-lease disclosures constitute the principal cause for the prevailing suspicion of public men and mistrust of the Government as now administered.

It appears essential to familiarize the public with the true conditions at the Capitol. In no other way can a complete "housecleaning" be accomplished and the stain of dishonor upon the Nation's record be obliterated. A fair, if necessarily incomplete, outline of the uncontradicted evidence will define the personal responsibility of certain prominent public officers and establish the relationship which their acts bear to the ignominious oil-lease transaction.

WITHDRAWALS OF PUBLIC LANDS.

The policy of conservation with respect to natural resources may be said to have originated during the administration of President Roosevelt. As early, however, as 1865 the Commissioner of the Public Land Office directed the local land office at Humboldt, Calif., to withhold from entry small areas supposed to contain petroleum. It was not until 1900, 1901, and 1902 that further withdrawals were made, the lands being situated in California, Wyoming, and Oregon.

On September 27, 1909, President Taft issued his famous withdrawal orders setting aside from private entry 3,000,000 acres in California and Wyoming, and subsequent withdrawals were accomplished in 1909 and 1910 of areas aggregating several million acres in the Western States.

An issue arose as to whether the President was authorized to withdraw public lands from private entry for the purpose of conserving for the benefit of the general public the mineral resources within the public domain. The authority was finally sustained in a decision rendered by the Supreme Court, February 23, 1915.

ACT OF CONGRESS AUTHORIZING AND RATIFYING WITHDRAWALS.

In the meantime to settle the doubt expressed by many lawyers as to the President's power, Congress passed a law, June 25, 1910, expressly authorizing the Chief Executive to make withdrawals of lands and confirmed the orders previously issued.

The President immediately confirmed the withdrawals already made and executed additional orders. Restorations from time to time of public lands to private entry and additional withdrawals left remaining in the petroleum reserves, December 1, 1921, approximately 230,000 acres in Arizona, 1,200,000 in California, 500,000 in Louisiana, 1,350,000 in Montana, 85,000 in North Dakota, almost 2,000,000 in Utah, and 1,120,000 in Wyoming, aggregating a total of more than 6,600,000 acres in the petroleum reserves.

NAVAL PETROLEUM RESERVES.

The Elk Hills, California, naval oil reserve was created by order of the President out of lands already withdrawn, September 2, 1912, and embraced a little less than 40,000 acres. The Buena Vista Hills reserve was created in the same manner, December 13, 1912, and extended over a little less than 30,000 acres.

The Teapot Dome, Wyoming, reserve was created by Executive order, April 30, 1915, and embraced not quite 10,000 acres. The object in creating the naval oil reserves was to hold in storage under ground a supply of fuel adequate for the use of the Navy in case of war or other emergency. This policy has been clearly defined and is generally regarded as well settled.

ACT OF JUNE 4, 1920.

The leases which have occasioned so much discussion were not made under the general mineral lease law of February, 1920, but under the naval appropriation act of June 4, 1920. This authorized the Secretary of the Navy to take possession of all properties within the naval oil reserves upon which applications for private leases were not pending and to conserve, develop, use, and operate the same in his discretion and to use, store, exchange, or sell the oil and gas products for the benefit of the United States. This authority is generally construed as a conservation measure, limiting development to defensive wells to be drilled for the purpose of protecting the reserves from waste through operations on private or leased lands. This construction prevailed in the Navy Department until the beginning of President Harding's administration. It has been unanimously approved by joint resolution of Congress.

THE EXECUTIVE ORDER.

An Executive order was issued by President Harding May 31, 1921, attempting to transfer the naval oil reserve from the control and administration of the Secretary of the Navy, where the act of Congress vested them, to the Secretary of the Interior. A little less than one year later, after prolonged secret negotiations, leases were made to the Sinclair interests of the reserves in Wyoming and to Doheny of the reserves in California.

WHO IS RESPONSIBLE?

Congress under the Constitution is empowered to legislate for the control and disposition of the public domain. Clearly the President had no power to transfer the control of public lands from one depart-

ment, where Congress had vested their administration, to another. What actually prompted the execution of this order has given rise to rumors and suspicions of the darkest character.

The admitted facts are that Secretary of the Navy Denby assumed responsibility for initiating and encouraging the proposal, and cooperated with Secretary of the Interior Fall to induce the President to sign the order. Almost every officer in the Navy, other than the Secretary and Assistant Secretary Roosevelt, opposed transferring the naval oil reserves to the Interior Department. Admiral Griffin, the head of the bureau having jurisdiction of the subject, vigorously protested the proposal. Contrary to the custom of all the departments in such cases, the Executive order agreed upon between the two Secretaries was transmitted to the President by Assistant Secretary Roosevelt without any letter of explanation and unaccompanied by the protest of Admiral Griffin.

ASSISTANT SECRETARY ROOSEVELT'S PART IN THE TRANSACTION.

Assistant Secretary Roosevelt, who had been an original stockholder and director in the Sinclair companies, and who, when he entered the Army, had sold his stock and resigned as a director; whose wife had purchased a thousand shares of stock in one of the Sinclair companies in 1920 and sold the same at a loss about the time the leases were made; whose brother was a vice president in one of the Sinclair companies, receiving a salary of \$25,000 per year, personally took the Executive order to the President and verbally informed him that Secretaries Fall and Denby had agreed upon it. Neither Assistant Secretary Roosevelt nor Secretary Denby has made clear the reason for the unusual course pursued in securing the President's signature. The fact that no legal opinion was procured as to the validity of the order is a circumstance of additional significance.

LEASES SECRETLY NEGOTIATED.

Almost one year after the date of the Executive order, leases were secretly negotiated by the two Secretaries of the Wyoming and California reserves to Sinclair and Doheny, respectively. The transactions were enveloped in mystery and concealment. It was two weeks after the instruments had been signed before it became known that the leases had been executed. Secretary Denby has never attempted any explanation for carrying on the transactions in secret, and the reasons assigned by Secretary Fall were so absurd that they intensified suspicion. He said that he regarded the subject as a military secret to be divulged only by the Commander in Chief of the Army and Navy, and in a letter to Secretary Denby he expressly cautioned against publicity until another lease could be consummated.

In every court secrecy under such circumstances is regarded as a badge of fraud. The negotiation of the Executive order, the secret execution of the leases, and the concealment of the transactions brand them as questionable, and impose upon all responsible the obligation of justifying their acts and methods. This they have totally failed to do. The lack of information displayed by both Secretary Denby and Assistant Secretary Roosevelt is unaccountable. Neither was able to explain the important features of the transactions. Both of them answered almost every material question, "I do not know—I can not say," or "I can not answer without referring to the record." The implication that either Secretary Denby or his assistant, Mr. Roosevelt, acted corruptly is not supported by the evidence. While neither can be charged with corruption, the course of both of them exemplifies gross incompetence and inefficiency.

April 29, 1922, the Senate passed a resolution authorizing the Committee on Public Lands and Surveys to investigate the entire subject of leases on naval oil reserves. To one member of the committee more than to all others credit is due for persistency and diligent effort in uncovering not only circumstances which show incompetence and inefficiency on the part of high officers but also facts which tend to show that bribery was employed to secure the leases. Senator WALSH of Montana, without the assistance of investigators, and with only limited funds at his command, has uncovered facts which impeach the competency of every public officer responsible for the leases and which puts them on the defensive respecting their good faith and honesty. One hundred thousand dollars sent by Doheny in a satchel, Doheny's son the messenger bearing the "loan" to Fall! Twenty-five thousand dollars in Liberty bonds loaned by Sinclair to Fall, and \$10,000 advanced as expense money in connection with negotiations by Fall as Sinclair's agent for Russian oil concessions! The events were so closely and suspiciously connected that they indicate the alleged loans as mere concealment of bribery.

EMPLOYMENT OF FORCE.

It is humiliating to recount the employment of marines under the order of Assistant Secretary of the Navy Roosevelt in the forcible ejectment of alleged trespassers drilling wells on private claims within the reserves. Captain Schaler, who commanded the marines, declared in an interview in the New York Times, February 29, that Secretary Fall told him that President Harding had only reluctantly consented to the use of force. True, he states, that Mr. Fall ascribed an unworthy motive to

the Chief Executive, that of protecting an officer of the Mutual Oil Co., who had contributed liberally to the Republican campaign fund. Nevertheless, Captain Schaler says that under the orders of Assistant Secretary Roosevelt, and after conference with Secretary Fall, deliberately planning to avoid or disregard legal process, he compelled the claimants to suspend drilling under threat of using marines.

The Congress has authorized and the President has employed special counsel to institute and prosecute proceedings for the recovery of the Government's property and rights recklessly bartered away by Secretaries Fall and Denby. The story of their breach of trust is sickening, disheartening. It brings regret to all who hear it.

UNDER THE GREAT WHITE DOME.

Revolting cartoons representing the Capitol as a teapot or an oil can, recently published in newspapers and magazines, portray and at the same time encourage lack of confidence in Government and contempt for public men. The indifference to honest administration disclosed by Cabinet officers may well arouse anxiety for the permanence of American political institutions.

In spite of these considerations, we are justified in presenting a more attractive picture. The people are themselves the source of power. So long as they are not corrupted by avarice or blinded by prejudice, they can effectively condemn and punish dishonesty and inefficiency in office and premunize the same administration of their affairs. They can and will, through the simple process of elections, reform flagrant abuses against them and their Government. Heartening effects already may be felt from the exposures of fraud and inefficiency at Washington. Let the investigation be thorough to the end that never again shall such disgusting incidents and shocking betrayals of public trust occur.

THE MERCHANT MARINE.

Mr. JONES of Washington. Mr. President, preparatory to submitting a request to print in the RECORD, I wish to speak for about a minute and a half.

When the merchant marine act of 1920 was being considered it was thought wise to insert certain provisions designed to overcome the handicap imposed upon American ships in foreign trade by reason of the higher standards of American living. One of the provisions which became a part of this law was what is known as section 28 of the merchant marine act, which section, in brief, provides that a shipper sending goods or products from the interior of the United States to a foreign port on a through bill of lading would be allowed a lower railroad rate on the transportation of his goods from the interior of the country to the seacoast than he would otherwise obtain, provided he employed an American vessel to complete the transportation of his goods from the seaport to which they had been brought by rail to the foreign port which was to be their final destination.

The same rule was to apply to imports; that is, cargoes brought from a foreign country to the United States and destined for some interior point of the United States would be entitled to a cheaper railroad rate from the seacoast to their destination, if they were imported in American vessels, than would otherwise be the case. Provision was made that upon certification by the Shipping Board that there was not sufficient tonnage available to supply the needs of American commerce this portion of the act might be held in suspense until the Shipping Board withdrew its certificate of tonnage inadequacy. That time, in the opinion of the Shipping Board, now has arrived; and in view of the evident misunderstanding of this action and of the law itself, as indicated by some newspaper comments, I feel it would be proper to insert in the RECORD this explanation of the effect of this act as set forth by the vice chairman of the Shipping Board in a recent address. Therefore I ask unanimous consent that the address may be printed in the RECORD. In connection with the same matter and attached to the papers is an extract from Fair Play which I would also like to have printed in the RECORD in connection with my remarks.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

ADDRESS OF E. C. PLUMMER, VICE CHAIRMAN UNITED STATES SHIPPING BOARD, BEFORE THE PROPELLER CLUB OF THE PORT OF NEW YORK, AT A LUNCHEON HELD AT THE RAILWAY CLUB, 30 CHURCH STREET, NEW YORK CITY, AT 12.30 P. M., WEDNESDAY, MARCH 5, 1924.

The merchant marine act of 1920 provides that railroads shall make no reduced rates on through shipments of exports or imports unless the vessels upon which the goods are to be carried to foreign ports, or upon which they have been brought into the United States from foreign ports, are American.

This section of the law would have gone into effect more than three years ago had not the Shipping Board caused its suspension.

The board's action in causing this suspension was necessitated by the fact that in 1920 we had not sufficient American tonnage adequately to serve the trade of this country. With the completion of our World War fleet and the establishment of efficient ocean services under our flag, that condition disappeared. For more than two years there has been adequate service by American shipping for the foreign trade of this country. The board, however, continued to hold section 28 of this law in suspension in order to give our competitors every opportunity to adjust themselves to the active presence of American ships, to give the Interstate Commerce Commission ample time to make such rearrangements as might be required to protect the railroad-rate system of this country so that all United States ports might enjoy equally those advantages accruing from low export and import rates when American ships were employed, and to demonstrate fully the ability of American vessels to handle the bulk of our foreign commerce.

Here it is important to make clear exactly what the recent action of the Shipping Board in connection with this section 28 means.

It is not an aggressive movement on the part of the board. On the contrary, the board merely has withdrawn its suspending certificate and permitted the law to go into effect in accordance with the mandate of Congress. In reality it is Congress that is acting now, not the Shipping Board.

This procedure of the board, having a tendency to benefit American shipping, will, of course, be subject to all sorts of unfair criticisms. Among those already appearing is one to the effect that there will not be sufficient American tonnage properly to care for our traffic. This claim is merely a profession of ignorance. There is nothing in the law now permitted to become active which prevents any or all of the exports and imports of this country traveling in foreign ships. If an exporter prefers to use a foreign ship, that is his privilege. If his love for the foreigner is such that he wants his imported goods delivered to him by alien craft, there is nothing in section 28 to deprive him of that pleasure. The only changed condition produced by the release of this law is that if his through shipments are handled by American vessels he gets a lower railroad rate for such goods when they are being brought from the interior to the seaboard or are being carried from the seaboard to interior points than he can get if he patronizes foreign ships. There will be just as much tonnage available with section 28 active as there is with section 28 passive, but a lower railroad rate will be available for patrons of American ships. This lower railroad rate will help fill American vessels now sailing partly empty and thus reduce ship losses without increasing ship rates.

Another claim is that this section will upset our railroad rate structure. The claim is absurd, but like so many other claims affecting American shipping it is boldly made, either because of ignorance on the part of the claimer or assumed ignorance on the part of the claimers.

Some of our ports already have export and import rates. They are ready to do business now. Therefore it is necessary merely to establish similar rates at other ports to put all the ports of this country on an equality. Such action in no way affects established rate structures, because it does not change them in the least. It merely provides for a lower rate on through shipments to and from foreign ports handled by American vessels.

This rate might be arrived at by merely providing for, say, a 10 per cent reduction from domestic rates. That simple change certainly would not affect the general rate structure, but it would give a financial reason for patronizing American vessels in our foreign trade and solve the problem without resort to "higher mathematics."

But even if important changes were involved, even if rates would need to be readjusted, this can not affect the fact that Congress has issued its mandate. That mandate can not be disregarded or defeated by any administrative department of the Government merely because it involves work.

Some of those who always are searching for obstacles to throw in the way of any attempt to aid American shipping are advising that hearings should be held before this section of the law goes into effect. There is nothing to hear. Congress enacted that this preference should be given to American ships. Now that the Shipping Board has withdrawn its suspending order the law automatically goes into effect.

It will be recalled that more than a year ago the board held public hearings in different parts of the country to satisfy itself as to transportation facilities and to give exporters and importers full opportunity to prepare for this improvement. It did not ask the people to come to it; it went to them. There is no excuse for further delay.

During the two years the board has held section 28 in suspense its operating department has cooperated in every way with foreign ships. It has entered into and faithfully respected the terms of all rate conferences. It has provided an abundance of tonnage and given all shippers every opportunity to patronize American craft

on the same terms as offered by the foreigner. It has given a two-year test to that threadbare asseveration that ocean commerce is free to all and equal service will mean an equal share of the business.

As a net result of this very thorough test we find that our ships last year handled but 24 per cent of our transoceanic exports and but 17 per cent of our corresponding imports—the percentages are even lower to-day.

It is suggested by some that if Americans would show the same preference for home ships that foreigners show for theirs section 28 would not be required. With equal logic it might be said that if all the people in New York would show a due respect for law there could be a material reduction in the number of policemen employed there.

One trouble with both these propositions is that they ignore existing facts.

But the greatest fault with this proposition that we try to get along without aid for our ships is that it overlooks the main purpose of the merchant marine act of 1920. The end sought to be attained by that law is an American merchant marine privately owned, not that the Government should continue to run ships and the public keep paying their losses.

Now, it costs more to operate a ship under the American flag than it does under foreign flags. Since the statement of Mr. P. A. S. Franklin that "the *Minnekada* is costing us twice as much in wages under the American flag as under the British flag, and she has not a single, solitary advantage," there is less foolish denial of that fact than theretofore. But its importance is sometimes forgotten.

Section 28 is designed to help overcome this handicap. It is the same provision of law which did so much to give Germany her great merchant marine.

No nation raised the question of treaty rights while Germany was enjoying the advantages of this legislation. Germany realized its value and proceeded to use it. It will be interesting to note what attitude will be assumed now that the United States is to be the beneficiary. It will be, indeed, a remarkable incident if semi-Americans let an opportunity like this go by without raising an objecting voice.

Once more let me recall this fact: Congress has declared its aim to be a merchant marine sufficient to handle a major portion of the foreign commerce of the United States.

It has recognized that only by Government aid can such a merchant fleet be maintained.

By the act of 1920 it provided certain aids for the merchant ships of this country.

Section 28 is one of those aids. It is law, and as law should be enforced.

The Shipping Board now has done its part to have it enforced.

STATES AND SHIPPING.

[From Lloyd's List and Shipping Gazette, Thursday, February 28, 1924, p. 8.]

One of the most pronounced effects of the Great War has been the stimulation of the maritime ambitions of foreign nations. In order to develop their shipping and shipbuilding industries numerous countries have not hesitated to resort to risky experiments in State shipowning and to costly subsidies to shipbuilders. There is, of course, the outstanding case of the United States, but that great country is far from being alone in its attempt to build up a shipping fleet by artificial aid. Our own Dominions of Canada and Australia have instituted State shipping and shipbuilding programs—of doubtful value so far—and India is now seeking to develop a fleet of her own by adventitious means. In Europe, France and Italy have both embarked on State-assisted shipbuilding, while Germany has made the most strenuous attempt to resuscitate her mercantile marine by a system of subsidies to shipowners, which has cost the country an enormous sum, even if it is in process of succeeding in its purpose. Spain, too, it will have been seen from an announcement made in our columns yesterday, has a system of subsidies to shipbuilders which, as modified by a royal decree issued a few days ago, provides for payments ranging from 118 pesetas per ton gross for wooden sailing vessels to 407 pesetas per ton gross for iron or steel power-driven passenger ships, with an additional 10 per cent premium on the latter for each mile if the trial speed of the vessel exceeds 14 miles an hour. The maximum sum to be applied to payment of these subsidies has been fixed at 8,000,000 pesetas per annum, and the Government reserves the right to control coastal freights when that is considered desirable.

FEDERAL AID AND NATIONAL FORESTS ROADS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a report for the fiscal year ended June 30, 1923, concerning the appropriations for the construction of rural post roads in cooperation with the States, the Federal

administration of this work, and the survey, construction, and maintenance of roads and trails within or only partly within the national forests, which was referred to the Committee on Agriculture and Forestry.

PETITIONS AND MEMORIALS.

Mr. ROBINSON presented a petition of sundry citizens in the State of Arkansas, praying for the enactment of legislation repealing or reducing the so-called nuisance and war taxes, especially the tax on industrial alcohol, which was referred to the Committee on Finance.

He also presented a resolution of the Business and Professional Women's Club, of Texarkana, Ark., favoring the passage of legislation creating a Federal department of education, which was referred to the Committee on Education and Labor.

He also presented a resolution of the Business and Professional Women's Club, of Texarkana, favoring an amendment to the Constitution regulating child labor, which was referred to the Committee on the Judiciary.

He also presented a resolution of the Rotary Club, of Helena, Ark., protesting against the passage of any restrictive legislation relating to the operation of railroads, which was referred to the Committee on Interstate Commerce.

Mr. FRAZIER presented resolutions of Harley Salzman Post No. 5, the American Legion, of Beach; of Matthew Brew Post No. 3, the American Legion, of Dickinson; and of the Commercial Club, of Wahpeton, all in the State of North Dakota, favoring the passage of legislation granting adjusted compensation to veterans of the World War, which were referred to the Committee on Finance.

He also presented a petition of the Nekoma Farmers' Club, of Nekoma, N. Dak., praying for the passage of the so-called McNary-Haugen bill, providing aid to agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Christ Braner and 41 other citizens of La Moure County, N. Dak., praying for the passage of legislation increasing the tariff duty on wheat and the repeal of the drawback provision and the milling-in-bond privilege of the Fordney-McCumber tariff act of 1922, which was referred to the Committee on Finance.

He also presented a resolution of the Commercial Club, of Grand Forks, N. Dak., protesting against the making of any change in the transportation act of 1920 at this time, which was referred to the Committee on Interstate Commerce.

He also presented letters and papers in the nature of petitions of Nick Weiland and 6 other citizens of Beulah; of Cass L. Weber and 6 other citizens of Goodrich; of L. C. Odegard and 1 other citizen of Buxton; of the Trades and Labor Assembly of Grand Forks; of Ole Starnes and 24 other citizens of Arnegard; of A. B. Landt and 39 other citizens of Northwood; of R. H. Horne and 13 other citizens of Havelock; of Henry Kinkead and 21 other citizens of Brisbane; of J. E. Watson and 16 other citizens of York; and of Mrs. George Whitehead and 8 other citizens of Tuttle, all in the State of North Dakota, praying for the passage of the so-called Norris-Sinclair bill, providing aid to agriculture, which were referred to the Committee on Agriculture and Forestry.

Mr. JOHNSON of Minnesota presented the petition of Rud Stensrud and 33 other citizens of Redwood Falls, Minn., praying a repeal or reduction of the excise taxes on motor vehicles and parts, which was referred to the Committee on Finance.

He also presented the petitions of E. W. Arnold and 55 other citizens of Adrian, of Louis A. Zenman and 107 other citizens of Chaska, and of George E. Austin and 55 other citizens of Lake Crystal, Minn., praying for the passage of legislation granting adjusted compensation to veterans of the World War, which were referred to the Committee on Finance.

He also presented the petition of Harry Tague and 113 other citizens of Minnesota, praying for the enactment of legislation repealing or reducing the so-called nuisance and war taxes, especially the tax on industrial alcohol, which was referred to the Committee on Finance.

He also presented the petition of Norman Rosholt and 28 other citizens of Climax, Minn., praying for the enactment of legislation placing a 60-cent tariff duty on wheat, which was referred to the Committee on Finance.

He also presented the petition of Andrew Tobiason and 64 other citizens of Montevideo, in the State of Minnesota, praying for the passage of legislation placing a 75-cent tariff duty on wheat, and also modifying the drawback privilege, which were referred to the Committee on Finance.

He also presented the petitions of O. A. Knoeck and 12 other citizens; of Jacob Bauer and 30 other citizens of Dumont; of Lloyd A. James and 72 other citizens of Two Harbors; of J. P. Jensen and 33 other citizens of Goodridge; and of Albert Kramer

and 26 other citizens, all in the State of Minnesota, praying for the passage of the so-called McNary-Haugen bill, providing aid to agriculture, which were referred to the Committee on Agriculture and Forestry.

He also presented the petitions of Harry Larson and 260 other railway postal clerks, of St. Paul; of J. C. Whitney and 5 other postal employees of the Moorhead post office; and of F. J. Fleming and 70 other employees of the St. Paul post office, all in the State of Minnesota, praying for the passage of legislation granting increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented the petition of Charles W. Turner and 168 other citizens of Aitkin, Todd, and Crow Wing Counties, in the State of Minnesota, praying for the passage of the so-called Norris-Sinclair bill, providing aid to agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of August J. Rick and 29 other veterans of the Spanish-American War, Philippine insurrection, and China relief expedition, now invalid members of the Minnesota Soldiers' Home, praying for the passage of the so-called Bursum and Knutson bills, granting pensions to veterans of the Spanish-American War, the Philippine insurrection, and the China relief expedition, which was referred to the Committee on Pensions.

He also presented resolutions of the Lincoln Lodge; the Young Workers' League; the Styrbjorn Lodge, No. 46, I. O. V.; the Housewives' Union; the Carpenters' Union, No. 7; and Viking Lodge, No. 10, of T. O. G. F., all of Minneapolis, and of Twin City Carpenters' District Council of St. Paul, all in the State of Minnesota, protesting against the passage of legislation to register, photograph, and fingerprint foreign-born workers, which were referred to the Committee on Immigration.

Mr. SHIPSTEAD presented a resolution adopted by the delegates of the Minnesota Eighth Congressional District Board, at Cloquet, Minn., protesting against the practice of ex-service men in hospitals being required to allot three-quarters of their monthly compensation to dependents, and the placing with the Treasurer of the United States the funds of veterans having no dependents, to be paid to them upon leaving such hospitals, which was referred to the Committee on Finance.

He also presented a resolution of the Commercial Club, of Sleepy Eye, Minn., protesting against the making of any material change in the transportation act of 1920 at this time, which was referred to the Committee on Interstate Commerce.

He also presented a resolution of Ambrose Kelly Post, No. 429, Veterans of Foreign Wars, of St. Paul, Minn., favoring the official adoption of the Star-Spangled Banner as the national anthem, which was referred to the Committee on the Library.

He also presented resolutions adopted at the third annual meeting of the Minnesota Cooperative Creameries' Association (Inc.), at St. Paul, Minn., favoring the passage of legislation increasing the tariff duty on butter, oils, fats, and casein, which were referred to the Committee on Finance.

He also presented a resolution of Melvin Daskam Post, No. 38, the American Legion, of Redwood Falls, Minn., favoring the passage of legislation granting adjusted compensation to veterans of the World War, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Chisago County Republican Convention at North Branch, Minn., favoring the passage of the so-called fourfold adjusted compensation bill for ex-service men, which was referred to the Committee on Finance.

He also presented a resolution of the Commonwealth Club of Minneapolis, Minn., favoring the adoption of Senate resolution 34, submitted by Mr. KING, instructing the Committee on Indian Affairs to investigate the controversy between the Chippewa Indians of Minnesota and the Government of the United States, which was referred to the Committee on Indian Affairs.

He also presented a resolution adopted by the Minnesota Wheat Growers' Cooperative Marketing Association of Sacred Heart Township, Renville County, Minn., favoring the passage of the so-called McNary-Haugen bill, providing aid to agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions of the Kiwanis Club and of the Crookston Association of Public Affairs, both of Crookston, Minn., favoring the passage of legislation granting increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a resolution of City Firefighters' Union, No. 21, of St. Paul, Minn., favoring the passage of legislation

granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted at a mass meeting of citizens of Greek, Italian, Jewish, Polish, Russian, Slovak, and Ukrainian extraction of Minneapolis; members of the Italian Americanization Club of Duluth; and of Eveleth Chapter Hadassah, Women's Zionist Organization, of Eveleth, all in the State of Minnesota, protesting against the passage of the so-called Johnson selective immigration bill, which were referred to the Committee on Immigration.

He also presented resolutions of the Moose Lake Commercial Club, of Moose Lake; the Owatonna Commercial Club, of Owatonna; and of the Minnesota Implement Dealers' Association (Inc.), of Owatonna, all in the State of Minnesota, favoring a 1-cent "drop" letter postage rate, etc., which were referred to the Committee on Post Offices and Post Roads.

Mr. CAPPER. I present a resolution adopted by the Panhandle Producers' Association at its annual convention in Amarillo, Tex., in favor of the repeal of section 15a of the transportation act, which I ask be referred to the Committee on Interstate Commerce and printed in the Record.

There being no objection, the resolution was referred to the Committee on Interstate Commerce and ordered to be printed in the Record, as follows:

Resolution.

Whereas Senator ARTHUR CAPPER, of Kansas, has introduced in the Senate of the United States a bill known as S. 91 to repeal section 15a of the transportation act that fixes a method of making rates on a basis of paying 51 per cent on the aggregate value of all railroad property of the country, that has resulted in the enormous increases in rates since the war and limited the power and judgment of the Interstate Commerce Commission to that sort of a standard and at the same time taken away in its effect the power of the State commission to make reasonable rates not in conformity therewith and abridged the remedies of the shipper to correct exorbitant rates; and

Whereas said bill (S. 91) would restore to the Interstate Commerce Commission and to the State commission the power to adjust and prescribe rates according to the facts, so as to make them just and reasonable to the shipper, the public, and the carrier, as that power existed and was successfully and fairly exercised before the war, according to the sound judgment of the commission in such case; and

Whereas all of the livestock producers' associations, State and National, have repeatedly demanded the repeal of section 15a, as have State legislatures and State railroad commissions throughout the country; and the American National Live Stock Association at its recent convention at Omaha and the Kansas State Live Stock Association at its recent convention at Wichita indorsed said bill, which, if enacted, means a return to the standard of reasonableness according to the judgment of the commission upon full hearing of the facts of each case and restoration of the shippers' rights and remedies: Now therefore be it

Resolved by the Panhandle Producers' Association at its annual convention at Amarillo, Tex., March 4 and 5, 1924, That we indorse said bill and urge our Congressmen to work for the enactment of the same, and that copies of the resolution be sent to Senator CAPPER and our Congressmen and Senators.

(Signed) H. C. HARDING, Secretary.

REPORTS OF COMMERCE COMMITTEE.

Mr. LADD, from the Committee on Commerce, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 2488) to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city (Rept. No. 242); and

A bill (S. 2538) to extend the time for the completion of the construction of a bridge across the Savannah River between the counties of Aiken, S. C., and Richmond, Ga. (Rept. No. 243).

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. EDGE:

A bill (S. 2814) to provide for the method of measurement of vessels using the Panama Canal; to the Committee on Inter-oceanic Canals.

Mr. EDGE. I ask unanimous consent that the Committee on Inter-oceanic Canals be discharged from the further consideration of the bill (S. 2400) providing that the Panama Canal rules shall govern in the measurement of vessels for the imposition of tolls, and that it be indefinitely postponed. The bill just introduced by me takes its place.

The PRESIDING OFFICER. Without objection, the bill mentioned will be indefinitely postponed.

By Mr. GOODING:

A bill (S. 2815) for the relief of Jacob Mull; to the Committee on Military Affairs.

By Mr. JONES of Washington:

A bill (S. 2816) for the relief of Levi B. Rouse; to the Committee on Military Affairs.

By Mr. BURSUM:

A bill (S. 2817) granting a pension to Ascension S. de Wheeler; to the Committee on Pensions.

By Mr. WALSH of Montana:

A bill (S. 2818) for the relief of Stella M. Musselman; to the Committee on Claims.

By Mr. LODGE:

A joint resolution (S. J. Res. 96) authorizing appropriations for the payment of expenses of delegates to represent the United States at the general assembly of the International Institute of Agriculture, to be held at Rome in May, 1924, and for the payment of the quotas of Hawaii, the Philippines, Porto Rico, and the Virgin Islands, for the support of the institute for the calendar year 1924; to the Committee on Foreign Relations.

REDUCTION OF TAXATION.

Mr. FLETCHER submitted an amendment intended to be proposed by him to House bill 6715, the revenue bill, which was referred to the Committee on Finance and ordered to be printed.

PLAN FOR MAKING THE FOREST RESERVES PRODUCTIVE.

Mr. FLETCHER. I ask to have printed in the Record a very thoughtful article by the Hon. Martin Dodge, former Director United States Public Roads, entitled "A plan for making the forest reserves productive."

There being no objection, the article was ordered to be printed in the Record, as follows:

A Japanese statesman recently said, "The American cares for his country because he believes it belongs to him; a Japanese cares for his country because he believes he belongs to it." This marks the most fundamental difference between the oriental attitude of mind to society and country and the western or newer and prevailing attitude of mind as to the social fabric, the country, and its government. Our people think well of their country because they think they own it, and the reason why they think so is because, as a general rule, it has proved to be true from the earliest settlements in our country up until the present time, or at least quite recently. This idea of ownership is based primarily and originally upon the ownership of land, and the ownership of agricultural land since the formation of the Republic has been quite equally distributed.

Under the homestead law, 160 acres has generally been allowed to each claimant and 320 acres has generally been the maximum. The long and uniform operation of this law has resulted in a just apportionment of the public domain into the hands of the most numerous and most useful body of our citizens. It has given employment to the unemployed; it has turned the wilderness into an empire and it has made the desert blossom like a rose. The bridge path has been changed into a double-track railroad and the land value of a single county has become equal to the purchase price of the Louisiana Territory.

SOURCES OF WEALTH.

This just and liberal distribution of our public lands became the moving cause which determined our people to turn their backs on the ocean and their faces to the land, and it was only on account of this that we developed our great inland empire and added within 50 years tenfold to the commonwealth of the Nation. Our people made no mistake when they turned their backs on the god of the ocean and joined in their devotion to the gods of the hills and the gods of the valleys, because it is out of these hills and valleys that we take our mighty wealth and our mighty industry.

Many think we have now come to a crisis in the destiny of our country, and possibly in the destiny of the world, and at this time of crisis it behooves us to examine the foundation upon which our prosperity has been built and see if we have removed any of the supports that have contributed to its support.

All ancient empires regarded the subject as belonging to the empire, and this ancient idea has been handed down for the most part to the present day as expressed by the Japanese statesman when he says that his countrymen belong to his country. How lately and how narrowly we have escaped from that attitude of mind can be shown by referring to the feudal system which prevailed for a thousand years in western Europe. And in the early history of the Colonies in this country it was largely enforced. The three great States of Virginia, Maryland, and Pennsylvania were granted almost entirely to three great landed proprietors: Lord Fairfax, Lord Baltimore, and William Penn. Had we not escaped that feudal tenure of land and substituted for it our new and more equitable distribution of the pub-

lie lands under the General Government, it is hardly possible that we could have witnessed the beneficial results which are so apparent in the development of our country, and especially when we remember that the tenure of land formerly controlled the tenure of office, and does yet, to a great extent, in many places.

QUOTING FROM WEBSTER.

Daniel Webster, the great expounder of the Constitution, said in his speech on the two hundredth anniversary of the landing of the Pilgrims that—

"A republican form of government rests not more on political constitutions than on those laws which regulate the descent and transmission of property. * * * The true principle of a free and popular government would seem to be so to construct it as to give to all, or at least to a very great majority, an interest in its preservation, to found it as other things are founded—on men's interests. * * * The freest government, if it could exist, would not be long acceptable if the tendency of the laws were to create a rapid accumulation of property in few hands and to render the great mass of the population dependent and penniless. * * * In the nature of things, those who have not property and see their neighbors possess much more than they think them to need, can not be favorable to laws made for the protection of property. When this class becomes numerous, it grows clamorous; it looks on property as its prey and plunder and is naturally ready at all time for violence and revolution."

The great number of unemployed in this country at the present time and the heavy taxation of business and property and the consequent derangement of our industries and transportation make many wonder if anything better remains for the people than to pay in peace and die in war. The accumulated wisdom of a thousand years should teach us that we can not retain and maintain a republican form of government without a just and reasonable distribution of property.

The only great republic that ever existed before ours made it a cardinal point to distribute its public lands equitably among its people, and when they finally failed to secure that the great republic passed away.

There is a remarkable similarity between the tenure of land under the Roman Republic and the tenure of land under our Republic. The agrarian laws of Rome caused the greatest division among her people and brought on the civil war between the tribunes of the people and the senate. The Gracchi brothers contended for the distribution of the land that no one could own more than 500 Roman acres (jugera), each containing 25,000 square feet. Our acre contains 43,560 square feet. Five hundred Roman acres are almost exactly equal to 320 of our acres, the variation being less than a quarter of an acre. These two greatest of the Roman tribunes both gave up their lives in trying to resist the encroachments of the great landowners upon the smaller landowners. And when the time came that the small landowner, like our homesteader, was overshadowed by great estates and great interests the republic was lost. It is startling to consider how parallel the contention in Rome was to that which has happened in our own country, not only to the exact quantity that might be held by any one person but to the difficulty of the smaller claimant holding out against the large one.

PUBLIC LANDS "EXHAUSTED."

A Senator in Congress and a Commissioner of the Land Office were both indicted for complicity in transferring land from the small holder to the large holder, contrary to the intention of the law. Nearly every senator in the Roman senate was engaged in similar transactions, and with their own hands struck down Tiberius Gracchus, who introduced the agrarian law which sought to limit the number of acres to exactly the limit which we have fixed in our own homestead act.

I have heard all my life that the last of the public lands had been exhausted. I used to suppose, of course, that this was all true, but I have lived to see that it was only apparently true; that in reality most of the great inland empire which was thought to be undesirable or worthless turned out to be exceedingly valuable, and there is yet remaining in the public lands vast areas more suitable for human habitation than much of that that has been already appropriated under the homestead act.

The Government itself, of late years, instead of regarding itself as trustee for its citizens in the ownership of land, has reversed the former policy and has become an imperial landlord, having withdrawn from the citizens the right of the homestead act as applied to all forest lands, stone and timber lands, oil lands, gas lands, water-power lands, and coal lands; in fact, all the valuable lands have been denied to our citizens. And to that extent we are by this new policy adopting the autocratic method by which the citizen no longer owns the country but the country owns the citizen. This, the writer thinks, is a fundamental error unjustified by any precedent, by any principle, or by any necessity; but, on the contrary, is attended by many harmful results

which border on danger and even on destruction. Much of the vast areas covered by the forest reserve are not covered with timber at all, and all that is covered by timber is suitable for human habitation. The theory of the conservationist is that this timber will be needed for other people in the distant future. That is very unlikely, because timber has lost its value as a fuel and almost lost its use as necessary building material. Very little timber is allowed in fireproof construction which is required in increasing proportions by city building regulations. In bridges, docks, and viaducts, and nearly all forms of permanent construction it has ceased to be a component part. It is not only not allowed, but it is undesirable.

THE WRITER'S PLAN.

My plan to utilize this great area to a greater extent and to a more beneficial use is to amend the homestead act so that every alternate section of this land shall be opened up to the homestead settler. That is not a new method. The western railroads, except the Great Northern, were promoted by the Government's granting every alternate section to the railroad company which should build the road. The remaining alternate sections were to be raised from \$1.25 to \$2.50 per acre, so that the total receipts from the sale of land would not be diminished. This worked abundantly well and gave us the greatest and best system of cheap long-distance overland transportation that was ever seen in the history of the world. The wisdom of that enterprise is shown by the fact that the Government got the full price for the land, got the railroad, and, most of all, got the development of the country, which added so manifold to its value. Now, this can be duplicated in a very simple way by allowing each homesteader to take up 160 acres of land located in any of the alternate sections, according to the checkerboard method by which our lands are laid out. Each section contains 640 acres, or enough for four 160-acre farms. For the purpose of communication between these sections, a road 60 feet wide shall be designated along every section line. There will be no loss to the Government in giving this advantage to the citizen, because the value of the remaining land will be doubled, as it was by the construction of the railroad, and much more than doubled. In addition to this, the opening up of this vast territory would make the remaining sections owned by the Government accessible so that the ripe timber could be marketed, and the value of that would be more than the value of the whole left in vast and inaccessible areas where much of it burns and more of it rots.

FIRE PROTECTION.

But of still greater advantage than the two mentioned above is the fire protection. If every alternate section is turned into a farm, that in itself furnishes a fire protection for the remaining timber. We have no trouble about forest fires except where the forest is continuous. By breaking up these great areas in the manner suggested, we would save the loss by fire, save the money now provided by millions to fight fires, save the loss which occurs by the decay of the overripe timber and double its value by reason of its being made more accessible. There is no doubt whatever that the half of this timber made accessible is worth more than the whole under the present method of holding. We have inclosed within this forest area more than 180,000,000 acres, not counting the national parks. This would furnish room for a million homesteads, and their value would be almost inestimable to the homesteaders and quite beyond computation as an addition to the Commonwealth. The very great extent of the forest reserve can be better appreciated by referring to the fact that it covers an area equal in extent to all the land from the Atlantic Ocean to the Mississippi River and north of the Ohio.

It would be better to people this great area with our own hardy pioneers and thereby make it a white man's country than leave it unprotected to become a prey of the Japanese, the Chinese, and the Hindu.

We hear much talk about armament and protection. There could be no greater protection to the Pacific coast than to have it peopled by a hardy race of our countrymen that can bear the white man's burden.

Cicero, in one of his great orations, said the gods of the ancient world had protected Rome by placing the Alps between it and the barbarians, but when Caesar had conquered Gaul he said that Caesar became a greater protection than the Alps.

In all the history of the past nations could and did retire behind the barriers of nature and thereby found protection. They might cross a river or a mountain or a desert or the ocean and there would find their security, but now all these barriers of nature have been overcome and no longer furnish protection, consequently it is more important than ever that we, as a Nation, should not take our refuge so much in the former methods as by putting our own people as our outposts and protectors. America first, and none but Americans on guard.

It was the wish of Jefferson that the Atlantic Ocean might be an ocean of fire instead of an ocean of water. If that wish could become true, most of our dangers would cease.

Attention is called to the fact that this plan calls for no appropriation of money, but, on the contrary, saves many millions that are now expended with no profit and probably no benefit.

SALE OF GOVERNMENT SECURITIES.

Mr. JONES of Washington. I have here a letter from the cashier of a national bank in the State of Washington with reference to the Government selling securities and the effect which the bankers think that policy has on the deposits in the banks. I submitted the letter to the Secretary of the Treasury, and I have his answer to it, together with a circular which the department has issued. I ask that the letter with the reply from the Secretary of the Treasury and the circular may be printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

THE NATIONAL BANK OF GOLDENDALE,
GOLDENDALE, WASH., February 28, 1924.

Hon. WESLEY L. JONES,
Washington, D. C.

HONORABLE SIR: We have heard recently that the Government had discontinued the sale of their Treasury certificates in certain districts where wheat farming was carried on, and which they felt the funds were needed in the banks for taking care of the needs of the community, and also that they might save the banks from going down.

It occurs to us that the country and city banks have a very hard competitor in the Government. For instance, they sell their securities at a rate which no bank can pay and survive, especially during the present conditions, and it would seem the fair thing to us if they would get down on their interest rate to at least make it a fair competition, for they would get some of the money needed in the various districts even at a 3 or 3½ per cent rate.

All communities, so we are informed, especially this of ours, are losing from their banks much of the money that should remain in the banks for the support of the community. It has been put up to us many times that we could not meet the rate offered by the Government, so they must buy Government paper with the higher rate of interest.

We would appreciate an expression from you on this line and as to whether it would meet with your ideas to use your efforts for this purpose.

Yours very truly,

C. E. CROOKS, Cashier.

TREASURY DEPARTMENT,
OFFICE OF THE UNDERSECRETARY,
Washington, March 7, 1924.

Hon. W. L. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have your letter of March 6, 1924, inclosing a letter received by you from the cashier of the National Bank of Goldendale, Wash., suggesting a reduction in the interest yield of Treasury savings certificates. The letter inclosed by you is herewith returned.

I regret that this Washington bank feels that in selling Treasury savings certificates the Treasury is competing with banking institutions for deposits. The Treasury has no intention of competing with banks for deposits and it would be surprised if, contrary to the experience of the past, savings deposits should fall off as a result of the effort to sell Treasury savings certificates. If the habit of thrift and saving can be instilled in the minds of the people, and if a small portion of the many millions of dollars annually lost through fraud and speculation can be diverted into legitimate channels, a great good will have been accomplished, and the farmer, the laborer, all classes of industry, and the bankers themselves will be directly benefited.

I feel sure that a careful perusal of the inclosed mimeographed statement will convince you that Treasury savings certificates represent investments rather than deposits, and are not intended to and really do not compete with bank deposits. Extra copies of this statement are inclosed for your use.

An erroneous impression has been given out to the effect that the Treasury Department is draining the country of funds by the sale of these certificates. As a matter of fact, there was outstanding in the hands of the public at the end of 1918 nearly a billion dollars' worth of these savings securities. On December 31, 1922, this amount was reduced to \$729,000,000, and on December 31, 1923, to \$376,000,000. The Treasury can not be accused of draining funds from the country when it has returned to the people in one year, from this source alone, \$353,000,000 above all receipts from the sale of savings securities over the same period of time. The contention, therefore, by certain banks and banking associations that the Government savings program has caused withdrawals, and has taken vast sums of money away from certain sections of the country, is unwarranted and is based on the erroneous conclusion that recent withdrawals have been made because of the sale of Treasury savings certificates, when as a matter of fact any unusual withdrawal has been the natural sequence of recent developments in the affected territory.

According to a statement recently issued by the American Bankers' Association the total amount of savings deposits in the United States on June 30, 1922, was \$17,831,000,000, and on June 30, 1923, was \$18,373,000,000, an increase of more than \$1,000,000,000, or about 6 per cent for the year. I am convinced that this offering of savings securities does not operate in any manner adversely to the interests of savings or commercial banks, and that the interest yield thereof is not unduly high. Your special attention is invited to the fact that Treasury savings certificates yield 4½ per cent, compounded semiannually, only when held for five years to maturity. If redeemed before maturity, they yield but 3½ per cent, compounded semiannually, a rate suggested by your correspondence as proper. If these investment securities are to be compared with bank deposits, it is only fair that this 3½ per cent rate be used in such a comparison, inasmuch as savings-bank deposits may be withdrawn at the end of any six months' period without forfeiture of interest.

Very truly yours,

GARRARD B. WINSTON,
Undersecretary of the Treasury.

(Four inclosures.)

THE TREASURY SAVINGS CERTIFICATES.

(By H. E. Sargent.)

[Reprint from the *Annalist*, issue of February 11, 1924.]

Unprecedented but effective is the campaign of the banks of the West and the Northwest to end the sale of Treasury savings certificates. Thus far the clamor of the banks against these small denomination Government securities has resulted in the administration ordering their sale stopped in 18 States, and the indications are that these orders will be broadened to take in more territory, as protests are now coming in from some of the Eastern States.

Originating in the northwestern section of the country, where the banking situation has been going from bad to worse, the campaign against the Treasury savings certificates has spread rapidly to the banks and banking associations of the rest of the country until an almost unheard-of pressure has been exerted upon the Government to cease this form of financing. Primarily, the banks believe that the competition of the Treasury savings certificates, which bear interest at 4½ per cent if held until maturity—five years—has resulted in the depletion of savings deposits, and in some instances in the closing of banks.

The banks contend that the 4½ per cent rate offered by the Government is unfair when the sale of tax-exempt securities is pushed among investors who are accustomed to deposit their funds with savings banks, where the average rate is about 3 per cent. As the popularity of the Treasury savings certificates increased people withdrew their funds on deposit in savings accounts more and more and intrusted them to the Government in return for the savings certificates, which were to be had in denominations as small as \$20.

Superficially, the efforts of the banks have so far induced the Government to suspend temporarily the flotation of these small securities, but actually the Treasury has been forced into a position where it must decide whether it will attempt to breast the storm of banking disapproval and again market the savings certificates or abandon what has come to be an important factor in national financing. In 1923 about \$181,000,000 worth of these savings certificates were sold. This means that a like amount of the public debt was refunded into issues of varying maturities which could be met out of ordinary revenues. Repetition of the 1923 sales over a short period of years would transform an appreciable amount of the public debt into these small issues. On the other hand, defeat of the savings certificates program will mean that the Treasury must finance in other ways.

Oddly enough, there has been no attempt on the part of the administration to justify its move in suspending the sale of the certificates, although there are now approximately 3,500,000 individual holders of these securities. Started as a means of encouraging thrift among the small-salaried classes and direct dealings with the Government, the only official explanation of the suspension of sales which has come from the White House has been the report that the banks objected to the issues.

Claims of the banks, however, appear to be poorly bulwarked by facts. Analysis of the savings-bank deposits in the Northwest, where the opposition had its beginning, bring out two main facts, namely, that savings-bank deposits last year increased in greater proportion than did the sale of Treasury savings certificates, and that the increased sale of Treasury savings certificates did not decrease savings deposits, while more money was returned to the purchasers of these securities than was taken from them by new sales. One of the principal arguments of the banks is that the Treasury has been taking out of communities funds which were ordinarily retained for local use in savings deposits.

Government operations with Treasury savings certificates began in January, 1922, when there was a maturity of approximately \$625,000,000 of the 1918 series of war-savings stamps to be met. Practically this entire amount has been paid back to the holders of this

series of certificates, many of the maturing certificates having been exchanged for Treasury savings certificates. Again, in January, 1923, the Treasury had the 1919 series of war-savings certificates to redeem in the amount of \$65,000,000. It is estimated that more than 50 per cent of these were exchanged for Treasury savings certificates in January, 1923. These exchanges took no new money from the locality in which the holders resided.

Taking the situation from the Treasury standpoint, there were outstanding at the end of 1918 nearly a billion dollars' worth of savings securities. On December 31, 1922, this amount was reduced to \$729,000,000, and on December 31, 1923, there was a further reduction to \$376,000,000. In other words, in one year's time the Treasury returned to the holders of these savings securities \$353,000,000 more than all receipts from the sale of savings securities for the same period of time. According to the reports of the American Bankers' Association the total amount of savings deposits in the United States on June 30, 1922, was \$17,331,000,000, and on June 30, 1923, was \$18,373,000,000, or an increase of more than \$1,000,000,000, or about 6 per cent for the year. The total amount of savings certificates outstanding on June 30, 1922, was \$678,000,000, and on June 30, 1923, was \$337,000,000, a decrease of \$341,000,000, or about 50 per cent for the year.

The conclusion, therefore, may be drawn that the sale of Treasury savings certificates and the Government's savings program did not cause a decline in savings deposits, despite a larger sale and wider distribution throughout the country in the same year.

Carrying the analysis into the ninth Federal reserve district—the Northwest—where the Treasury savings certificates have been cited as the cause of many bank failures, the same discrepancy between argument and figures appears. Notwithstanding the bank failures in that section, savings deposits increased from \$83,793,000 on January 1, 1923, to \$92,410,000 on January 1, 1924. That is, in one year savings deposits increased more than \$8,500,000. The total sales of Treasury savings certificates for the same year amounted to approximately \$10,000,000, and the Federal reserve bank at Minneapolis, acting as fiscal agents for the Government, redeemed to the holders of 1918 war-savings certificates approximately \$21,500,000. In other words, more than twice the amount of money that was put into Treasury savings certificates in the ninth Federal reserve district was returned to the holders of the maturing certificates in that district in 1923.

The final outcome of the drive against Treasury savings certificates is yet to be determined, but their discontinuance will mean the loss to the Government of the cheapest money it is receiving. Short-term certificates of indebtedness, which are issued quarterly to meet Federal expenses between tax claimants, have an interest rate of between 4 and 4½ per cent. There are incidental privileges, such as the right to purchase these short-term securities on credit, which increase their value to the purchaser and their cost to the Government. Liberty bonds at their present market rate net the purchaser about 4.3 per cent and cost the Government when issued an average of about 4½ per cent. Any investor can buy Liberties, sell them at any time—not waiting for five years, as is required for Treasury savings certificates—and make 4½ per cent, as against the savings-certificate rate of 3½ per cent if cashed before maturity. The majority of Treasury savings certificates redeemed before maturity cost the Government only 3½ per cent, and the average cost is less than 4 per cent. The actual cost of the Treasury savings certificate selling campaign in 1923 was only about one-fifth of 1 per cent.

The Treasury frankly confesses that it needs the money obtained from the savings certificates. It holds that the popularity of the certificates has been demonstrated, that the figures for the last two years show that they have not competed with or decreased savings deposits, and that their discontinuance would be a loss not only to many people who have learned to save for the first time through their purchase, but to the National Government.

ACCOUNTS OF THE FARM-LOAN COMMISSIONER.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The reading clerk read the resolution (S. Res. 190) submitted by Mr. HOWELL on the 11th instant, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish to the Senate a statement in detail of the funds that have been covered into the account of the Farm Loan Commissioner, together with a statement of the source of said funds in each case and the date of each disbursement from said account.

Mr. HOWELL. Mr. President, I ask that consent be given that the resolution may be considered at this time.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

INVESTIGATION OF DEPARTMENT OF JUSTICE BY SPECIAL COMMITTEE.

Mr. BROOKHART. Mr. President, on yesterday morning I submitted a further resolution in reference to the investigation of the Department of Justice. I ask unanimous consent for the consideration of the resolution at this time.

Mr. ROBINSON. What is the number of the resolution?

Mr. BROOKHART. I do not know the number of the resolution, but I offered it on yesterday.

The PRESIDING OFFICER. The Chair is informed that the resolution has not as yet been reported by the Committee to Audit and Control the Contingent Expenses of the Senate, to which it was referred. The resolution is therefore still before the committee.

Mr. BROOKHART. I shall try to have the resolution reported later in the day, and shall then ask for its consideration. The chairman of the committee told me that the resolution would be reported this morning.

INVESTIGATION OF INTERNAL REVENUE BUREAU.

Mr. COUZENS. Mr. President, I ask unanimous consent that Senate Resolution 168 may be now considered.

The PRESIDING OFFICER. The Secretary will state the title of the resolution for the information of the Senate.

The READING CLERK. A resolution (S. Res. 168) submitted by Mr. COUZENS February 21, 1924, authorizing the appointment of a special committee to investigate the Bureau of Internal Revenue.

The PRESIDING OFFICER. The Senator from Michigan asks unanimous consent for the present consideration of the resolution.

Mr. WADSWORTH. I object.

The PRESIDING OFFICER. Objection is made.

Mr. COUZENS. Mr. President, then I move that the Senate proceed to the consideration of the resolution.

Mr. JONES of Washington. That can not be done at this time.

The PRESIDING OFFICER. The Chair doubts if the motion of the Senator from Michigan is in order at this time.

Mr. COUZENS. When will my motion be in order?

The PRESIDING OFFICER. After the morning business shall have been closed. Morning business has not as yet been completed. Is there further morning business? If not, morning business is closed.

Mr. JONES of Washington. I ask unanimous consent that the Senate proceed to the consideration of the calendar, unobjectioned bills only to be considered, and that we begin the consideration of the calendar where it was left off on yesterday.

The PRESIDING OFFICER. Is there objection?

Mr. KING. Mr. President, will the Senator from Washington yield for a moment in order that the Senator from Michigan [Mr. COUZENS] may make his motion?

Mr. JONES of Washington. I should have no objection to that.

Mr. KING. I desire to say to the Senator that the resolution for which the Senator from Michigan desires consideration comes from the Finance Committee, and the chairman of that committee and Senators on both sides are in favor of the resolution.

Mr. ROBINSON. May I inquire if the report of the committee on Resolution 168, which the Senator from Michigan now suggests be considered, is unanimous?

Mr. COUZENS. I do not know. The chairman of the Committee on Finance, the Senator from Utah [Mr. SMOOR], reported the resolution on yesterday.

Mr. KING. I think I can answer the Senator from Arkansas that there are two or three members of the committee who are adverse to the resolution.

Mr. REED of Pennsylvania. The vote in the committee was 7 to 3, I understand, if I recall it correctly, in favor of reporting the resolution.

Mr. JONES of Washington. I will withhold my request if the Senator from Michigan desires to make his motion.

Mr. COUZENS. I move that the Senate proceed to the consideration of the resolution.

The PRESIDING OFFICER. The Senator from Michigan moves that the Senate proceed to the consideration of Senate Resolution 168, authorizing the appointment of a special committee to investigate the Bureau of Internal Revenue. [Putting the question.]

Mr. WADSWORTH. Mr. President—

The PRESIDING OFFICER. The "ayes" have it.

Mr. WADSWORTH. Mr. President, I was addressing the Chair while he was putting the question.

The PRESIDING OFFICER. The Chair will recognize the Senator from New York.

Mr. WADSWORTH. As I understand, the motion now is that the Senate shall proceed to the consideration of the resolution?

The PRESIDING OFFICER. The Senator from New York is correct.

Mr. WADSWORTH. Is the motion debatable?

The PRESIDING OFFICER. The motion itself is not debatable, but if the resolution shall be taken up the resolution will be debatable.

Mr. McKELLAR. Has the motion to take up the resolution prevailed, and is the resolution now before the Senate?

The PRESIDING OFFICER. The Senator from New York was on his feet while the Chair was putting the question on the motion. The Chair will now state that the motion is agreed to and the resolution is before the Senate.

The Senate proceeded to consider the resolution (S. Res. 168), which had been reported from the Committee on Finance with amendments.

Mr. McKELLAR. Mr. President, in connection with the pending resolution—while it was not intended to be in connection with it, still, as a matter of fact, it turns out to be so—I desire to state that since January 26 last I have had some correspondence from time to time with the Secretary of the Treasury in reference to revenue matters. I ask unanimous consent that the correspondence—it is not long, although it looks as though it were—may be printed in the Record.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The correspondence referred to is as follows:

JANUARY 26, 1924.

Hon. ANDREW W. MELLON,

Secretary of the Treasury, Washington, D. C.

MY DEAR MR. SECRETARY: It is being stated everywhere that many individuals receiving large incomes, where the tax or surtax is over 12½ per cent, have organized and are organizing corporations and transferring their properties to such corporations in order to evade the individual income tax law. Will you kindly advise me what your records show in reference to this.

It has been reported to me that Mr. P. S. du Pont, with whom I have had some correspondence about taxes recently, some years ago organized a corporation for the purpose of evading taxes, and that he is saving very large sums of money in that way, the corporation tax being 12½ per cent and the individual income tax, if he kept his properties in his own name, being far in excess of that rate.

Very respectfully yours,

KENNETH McKELLAR.

FEBRUARY 8, 1924.

Hon. CALVIN COOLIDGE,

The White House, Washington, D. C.

MY DEAR MR. PRESIDENT: Section 257 of the revenue act of November 23, 1921, provides:

"That the returns upon which the tax has been determined by the commission shall constitute public records, but they shall be open to inspection only upon order of the President and under rules and regulations prescribed by the Secretary and approved by the President."

I have written a letter to Secretary Mellon, a copy of which I inclose. On the 26th day of January I wrote to Secretary Mellon, a copy of which first letter I also inclose. I have received no reply to the first letter.

I am sure you will agree with me that some reply should have been made, and I will greatly appreciate it if I may have your cooperation in being permitted to examine the tax returns referred to.

With great respect,

Very sincerely yours,

KENNETH McKELLAR.

FEBRUARY 8, 1924.

Hon. ANDREW W. MELLON,

Secretary of the Treasury, Washington, D. C.

MY DEAR MR. SECRETARY: Section 257 of the revenue act approved November 23, 1921, provides:

"That the returns upon which the tax has been determined by the commission shall constitute public records, but they shall be open to inspection only upon order of the President and under rules and regulations prescribed by the Secretary and approved by the President."

Will you kindly send me a copy of the rules and regulations under which a Senator may examine the tax returns of a taxpayer?

Very truly yours,

KENNETH McKELLAR.

THE WHITE HOUSE,
Washington, February 11, 1924.

Hon. KENNETH McKELLAR,

United States Senate.

MY DEAR SENATOR McKELLAR: Your letter of February 8, quoting from revenue act of 1921, and referring to your request for permission to examine certain tax returns, has been received. I shall at once bring the matter to the attention of the Secretary of the Treasury.

Very truly yours,

CALVIN COOLIDGE.

[Received by messenger February 13, 1924.]

THE SECRETARY OF THE TREASURY,
Washington, February 8, 1924.

Hon. KENNETH McKELLAR,

United States Senate, Washington, D. C.

MY DEAR SENATOR: I have your letter of January 26, requesting information in connection with the organization of corporations to avoid the imposition of the surtax. Section 220 of the revenue act is designed to penalize corporations fraudulently availed of to escape the imposition of the surtax on their stockholders. This section has been ineffective for two reasons: First, it is questionable whether any investment company could have a surplus beyond the reasonable needs of its business, since its sole business was to invest. Second, the penalty provided by section 220 was based upon the taxable income of the corporation. If the corporation invested solely in Government securities exempt as to normal tax, or in the stock of other domestic corporations, under the law it had no taxable income and therefore the penalty of 25 per cent was a penalty of 25 per cent of nothing. This defect in the statute, I have been told, has been recognized by many lawyers and avoidance entirely within the law has been possible. In the bill now pending in the House both of these defects are cured by providing that the fact that the corporation was a mere investment company is prima facie evidence of fraudulent purpose and by fixing the penalty of 25 per cent of the income of the corporation, even though such income is not taxable under the law. If this bill is passed, I think we can pretty effectually stop this method of tax avoidance.

Knowledge of instances where this practice has been adopted can only come to the notice of the department when the actual returns of the corporations are audited, but the bureau is making every endeavor to enforce section 220 in all cases where it can be found to be applicable.

The audit of the P. S. du Pont cases, to which you refer, has not been completed, but the commissioner has requested the auditors to ascertain whether or not any of these companies is subject to the provisions of section 220 of the revenue acts of 1918 and 1921. Waivers have been filed in these cases and there is no danger of their being barred by the statute.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

THE SECRETARY OF THE TREASURY,
Washington, February 13, 1924.

Hon. KENNETH McKELLAR,

United States Senate, Washington, D. C.

MY DEAR SENATOR: I have your letter of February 8. I inclose herewith a copy of income-tax regulations 62. The regulations with respect to publicity of returns are articles 1090 to 1094, inclusive, commencing at page 278. In general it is to be noted that a copy of the return is available only when the United States is interested or to some one tracing his authority from the taxpayer. An inspection of the return is available in general to officers of the Treasury Department carrying out their official duties and to those having some direct connection with the taxpayer.

Section 3167 of the Revised Statutes makes it unlawful to divulge the contents of a return or to print or publish in any manner whatsoever not provided by law any income return. I do not believe that under the law I have the authority to authorize an inspection by you of the returns of the du Pont case, referred to in your previous letter.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

(One inclosure.)

THE SECRETARY OF THE TREASURY,
Washington, February 13, 1924.

Hon. KENNETH McKELLAR,

United States Senate, Washington, D. C.

MY DEAR SENATOR: I received from Mr. Slomp, secretary to the President, copies of your two letters to me of January 26 and February 8. The letter of January 26 I answered a day or so ago, and I have to-day answered your letter of February 8. I want to assure you that there has been no unnecessary delay in answering your in-

quiries. There has, however, been a great quantity of mail coming through my office recently which has interfered a little with the prompt handling of correspondence.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

EVASION OF SURTAXES BY INCORPORATION.

SEC. 220. That if any corporation, however created or organized, is formed or availed of for the purpose of preventing the imposition of the surtax upon its stockholders or members through the medium of permitting its gains and profits to accumulate instead of being divided or distributed, there shall be levied, collected, and paid for each taxable year upon the net income of such corporation a tax equal to 25 per cent of the amount thereof, which shall be in addition to the tax imposed by section 230 of this title and shall be computed, collected, and paid upon the same basis and in the same manner and subject to the same provisions of law, including penalties, as that tax: *Provided*, That if all the stockholders or members of such corporation agree thereto the commissioner may, in lieu of all income, war-profits, and excess-profits taxes imposed upon the corporation for the taxable year, tax the stockholders or members of such corporation upon their distributive shares in the net income of the corporation for the taxable year in the same manner as provided in subdivision (a) of section 218 in the case of members of a partnership. The fact that any corporation is a mere holding company, or that the gains and profits are permitted to accumulate beyond the reasonable needs of the business, shall be prima facie evidence of a purpose to escape the surtax; but the fact that the gains and profits are in any case permitted to accumulate and become surplus shall not be construed as evidence of a purpose to escape the tax in such case unless the commissioner certifies that in his opinion such accumulation is unreasonable for the purposes of the business. When requested by the commissioner or any collector every corporation shall forward to him a correct statement of such gains and profits and the names and addresses of the individuals or shareholders who would be entitled to the same, if divided or distributed, and of the amounts that would be payable to each.

ART. 351. Profits of corporation taxable to stockholders.—Where a domestic or foreign corporation permits its gains and profits to accumulate for the purpose of preventing the imposition of the surtax upon such income if distributed to its stockholders, it shall be subject to an income tax at 25 per cent in addition to the taxes imposed by section 230 of the statute. If, however, all the stockholders agree thereto, the commissioner may, in lieu of all income, war-profits, and excess-profits taxes imposed upon the corporation for the taxable year, tax them upon their distributive shares in the net income of the corporation for the taxable year, as provided in subdivision (a) of section 218, in the case of members of a partnership. In any case the commissioner or a collector may require a corporation to furnish a statement of its gains and profits and of the names, addresses, and shareholding of the stockholders and of the amounts that would be payable to each.

ART. 352. Purpose to escape surtax.—Section 220 of the statute applies where a corporation is formed or availed of for the purpose of preventing the imposition of the surtax upon its stockholders or members by permitting its gains and profits to accumulate instead of being divided or distributed. Prima facie evidence of a purpose to escape the surtax exists where a corporation has practically no business except holding stocks, securities, or other property and collecting the income therefrom or where a corporation other than a mere holding company permits its gains and profits to accumulate beyond the reasonable needs of the business. The business of a corporation is not limited to that which it has previously carried on, but in general includes any line of business which it may legitimately undertake. However, a radical change of business when a considerable surplus has been accumulated may afford evidence of a purpose to escape the surtax. When one corporation owns the stock of another corporation in the same or a related line of business and in effect operates the other corporation, the business of the latter may be considered in substance the business of the first corporation. Gains and profits of the first corporation put into the second through the purchase of stock or otherwise may therefore, if a subsidiary relationship is established, constitute employment of the income in its own business. To establish that the business of one corporation can be regarded as including the business of another it is ordinarily essential that the first corporation own substantially all of the stock of the second. Investment by a corporation of its income in stock and securities of another corporation is not without anything further to be regarded as employment of the income in its business.

ART. 353. Unreasonable accumulation of profits.—An accumulation of gains and profits is unreasonable if it is not required for the purposes of the business, considering all the circumstances of the case. No attempt can be made to enumerate all the ways in which gains and profits of a corporation may be accumulated for the reasonable needs of the business. Undistributed income is properly accumulated if invested in increased inventories or additions to plant reasonably needed by the business. It is properly accumulated if retained for working

capital required by the business or in accordance with contract obligations placed to the credit of a sinking fund for the purpose of retiring bonds issued by the corporation. In the case of a banking institution the business of which is to receive and loan money, using capital, surplus, and deposits for that purpose, undistributed income actually represented by loans or reasonably retained for future loans if not accumulated beyond the reasonable needs of the business. The nature of the investment of gains and profits is immaterial if they are not in fact needed in the business.

FEBRUARY 19, 1924.

Hon. A. W. MELLON,
Secretary of the Treasury, Washington, D. C.

MY DEAR MR. SECRETARY: I received your letter of the 13th in which you decline to allow an inspection by me of the tax returns therein mentioned. I am wondering to what extent this secrecy goes. Does it apply only to tax returns or does it apply to tax settlements, which are necessarily in the nature of litigation?

The Constitution of the United States, Article I, section 9, among other things, provides: "No money shall be drawn from the Treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."

There are two matters which, I believe, come within the purview of this constitutional provision, concerning which I desire to inquire of you.

First. I have been informed that in the summer of 1921 a refund was paid to the Gulf Refining Co. and its subsidiary corporations of something more than \$4,000,000. I do not believe that such a settlement comes within the secrecy provision of the income-tax return statute. If it was paid it must have been paid out of some appropriation. It should show in any statements of receipts and expenditures provided for by the Constitution. I would greatly appreciate it if you would give me full information as to this settlement. What was the amount claimed and what was the exact amount paid? What appropriation was it paid from, and does it appear as a separate item in the published statement of disbursements if such a settlement was, in fact, made?

I will greatly appreciate it if you will have this matter examined into and report to me.

Second. I next wish to inquire about the Atlantic, Gulf & West Indies Co. I have been informed that an additional assessment for 1918 of \$15,000,000 was made against this company, and that there was a fraud penalty of 50 per cent in addition. Also that this company transferred its securities at par to a Mexican corporation which it organized, presumably for the purpose of escaping the tax; that the case was finally settled for \$2,500,000. I would like to have the facts in reference to this case also. I do not think it comes within the secret tax return provision.

I am writing this letter for the purpose of seeking exact and accurate information. I know your records will furnish this information, and it may be that these settlements were proper. Still, as a Member of Congress, I desire to have the facts.

With much respect,

Very truly yours,

KENNETH MCKELLAR.

THE SECRETARY OF THE TREASURY,
Washington, March 5, 1924.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have your letter of February 19, in which you make inquiry as to the basis for the settlement of the taxes due from the Gulf Refining Co. in 1921, and also the settlement of taxes due and owing from the Atlantic, Gulf & West Indies Steamship Co.

Section 3167 of the Revised Statutes provides as follows:

"SEC. 3167. It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return, or any part thereof, or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States he shall be dismissed from office or discharged from employment."

From this section it is obvious that it would be unlawful for me to give to you complete information as to the settlement of these particular cases.

The refunds to the Gulf Co. and its subsidiaries were charged against three appropriations, depending upon the year in which the taxes refunded were originally collected. The payments were \$766,112.29 out of the appropriation for "Refund of taxes illegally collected, 1918, and prior years"; \$1,350,884.63 from a similar appropriation for 1919; and \$1,211,143.07 for 1921.

The quotation from the Washington Post inserted in a recent issue of the CONGRESSIONAL RECORD appears to be a copy of portions of reports to Congress of refunds which have been on file for some months, and, consequently, available to anyone's inspection.

The amount of the refunds and all details in connection with the settlement of the Gulf Co. cases were determined by the Bureau of Internal Revenue before my appointment as Secretary of the Treasury, although the actual payment of the amount refunded took place in April, 1921, shortly after I had become Secretary. I had no personal knowledge of these refunds at that time.

Referring to the Atlantic, Gulf & West Indies compromise, from information received by the Bureau of Internal Revenue it was believed that large additional taxes and penalties were due from this company for past years. Before an assessment of these taxes had been made it became apparent to the department that the taxpayer was insolvent, and the sole question for determination was not the amount of the tax, but the amount that the taxpayer could pay. Since almost all of the assets of the taxpayer were subject to prior lien and the general credit of the taxpayer was not good, the levying of an assessment and its attempted collection would have served only to throw the taxpayer into bankruptcy and to destroy the Government's chance of collecting anything. The department made a thorough investigation into the financial condition of the taxpayer and its available cash resources with the sole idea of obtaining for the United States the largest possible payment. A compromise of the tax liability was then entered into under section 3229 of the Revised Statutes for \$1,280,000, and satisfaction of a judgment against the United States in the Court of Claims for \$1,351,381.81, and interest from November 19 to December 15, 1923. That the taxpayer was in fact in a perilous financial situation is disclosed by the subsequent receivership of the Ward Line, which was one of the most important and by far the best known of its subsidiaries.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

MARCH 11, 1924.

Hon. A. W. MELLON,

Secretary of the Treasury, Washington, D. C.

MY DEAR MR. SECRETARY: Your letter of the 5th received and noted. The questions submitted are answered by you, and the only thing I have to add further is that I hope you will publish the refunds made by your department in 1921 and 1922 in the same way you published the refunds in 1923. I shall be glad to put the publication in the RECORD, as I did your statement in reference to refunds in 1923.

Very sincerely yours,

Mr. McKELLAR. Mr. President, at this time I desire to call the attention of the Senate to two paragraphs in a letter I wrote to the Secretary of the Treasury on February 19 last, and two paragraphs of his reply to me of date March 5. First, in my letter to the Secretary of the Treasury, I stated:

There are two matters which I believe come within the purview of this constitutional provision, concerning which I desire to inquire of you.

First, I have been informed that in the summer of 1921 a refund was paid to the Gulf Refining Co. and its subsidiary corporations of something more than \$4,000,000. I do not believe that such a settlement comes within the secrecy provision of the income-tax return statute. If it was paid, it must have been paid out of some appropriation. It should show in any statements of receipts and expenditures provided for by the Constitution. I would greatly appreciate it if you would give me full information as to this settlement. What was the amount claimed, and what was the exact amount paid? What appropriation was it paid from and does it appear as a separate item in the public statement of disbursements, if such a settlement was in fact made?

I will greatly appreciate it if you will have this matter examined into and report to me.

Second, I next wish to inquire about the Agwi Co. (Atlantic Gulf & West Indies Co.). I have been informed that an additional assessment for 1918 of \$15,000,000 was made against this company, and that there was a fraud penalty of 50 per cent in addition. Also, that this company transferred its securities at par to a Mexican corporation which it organized, presumably for the purpose of escaping

the tax; that the case was finally settled for \$2,500,000. I would like to have the facts in reference to this case also. I do not think it comes within the secret tax return provision.

I am writing this letter for the purpose of seeking exact and accurate information. I know your records will furnish this information and it may be that these settlements were proper. Still, as a Member of Congress, I desire to have the facts.

On this subject on March 5 the Secretary wrote me as follows:

The refunds to the Gulf Co. and its subsidiaries were charged against three appropriations, depending upon the year in which the taxes refunded were originally collected. The payments were \$766,112.29 out of the appropriation for "Refund of taxes illegally collected, 1918 and prior years"; \$1,350,884.63 from a similar appropriation for 1919; and \$1,211,143.07 for 1921.

I may say at this point that the Secretary does not make the addition, but by the process of simple addition the total amount refunded to the Gulf Refining Co., as shown by the Secretary, is \$3,328,139.99.

I continue to read from the letter:

The quotation from the Washington Post inserted in a recent issue of the CONGRESSIONAL RECORD appears to be a copy of portions of reports to Congress of refunds which have been on file for some months, and consequently available to anyone's inspection.

The amount of the refunds and all details in connection with the settlement of the Gulf Co. cases were determined by the Bureau of Internal Revenue before my appointment as Secretary of the Treasury, although the actual payment of the amount refunded took place in April, 1921, shortly after I had become Secretary. I had no personal knowledge of these refunds at that time.

Referring to the Atlantic, Gulf, and West Indies compromise, from information received by the Bureau of Internal Revenue it was believed that large additional taxes and penalties were due from this company for past years.

I digress here long enough to say that no statement is made as to whether the statement in my letter that additional taxation had been assessed at \$22,500,000 was correct or incorrect. I now continue to read from the letter:

Before an assessment of these taxes had been made it became apparent to the department that the taxpayer was insolvent, and the sole question for determination was not the amount of the tax, but the amount that the taxpayer could pay. Since almost all of the assets of the taxpayer were subject to prior lien, and the general credit of the taxpayer was not good, the levying of an assessment and its attempted collection would have served only to throw the taxpayer into bankruptcy and to destroy the Government's chance of collecting anything. The department made a thorough investigation into the financial condition of the taxpayer and its available cash resources with the sole idea of obtaining for the United States the largest possible payment. A compromise of the tax liability was then entered into under section 3229 of the Revised Statutes for \$1,280,000 and satisfaction of a judgment against the United States in the Court of Claims for \$1,351,381.81 and interest from November 19 to December 15, 1923. That the taxpayer was in fact in a perilous financial situation is disclosed by the subsequent receivership of the Ward Line, which was one of the most important and by far the best known of its subsidiaries.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Florida?

Mr. McKELLAR. I yield to the Senator.

Mr. FLETCHER. I am a little puzzled about the statement that there were prior liens to taxes. I was under the impression that a tax constituted a first lien on the assets of a taxpayer.

Mr. McKELLAR. I so understand, Mr. President, but the purpose of my reading from the correspondence is to give the statement exactly as it is given by the Secretary of the Treasury.

Mr. FLETCHER. I understand that, of course, but the Secretary makes the point that this was an insolvent concern, and that there were outstanding liens against it to such an extent that they felt obliged to compromise in order to get anything. It seems to me that a tax constitutes a prior lien over mortgages or judgments or other liens. At any rate, I was under that impression.

Mr. McKELLAR. That is my understanding of the matter, but I am merely reading from this letter the statements made by the Secretary. My understanding of the situation is that the Government claimed \$22,500,000 of taxes against this company, which had very large shipping interests in the West

Indies and controlled a number of steamship lines. I had also understood that this tax claim of \$22,500,000 had been settled by the Secretary for \$2,500,000, as explained to him in my letter. The amount of the settlement is apparently just a little more than \$2,500,000, about half of it being the amount of a judgment that it seems this company secured against the United States for some reason, and the other \$1,200,000 or thereabout being the amount of money actually paid in taxes, which had been either assessed or which were proposed to be assessed against this company. Nothing is said by the Secretary about this company itself being in the hands of a receiver, but he does say that it was practically insolvent.

Mr. President, in addition to the very important facts contained in the Secretary's letters, one of the principal purposes of inserting these letters in the RECORD is to show the absolute necessity of publicity of income-tax returns. I put in the RECORD the other day a statement from the Secretary of the Treasury of refunds made during the year 1923 of a very enormous sum of money, something like \$123,000,000 in one year. I asked the Secretary to give the figures for 1921 and 1922. I think these figures ought to be public property. I think these tax returns ought to be public property. When we come to think of such enormous refunds, it may be all right; but we can not investigate; I have no knowledge of it, and no other Senator has any knowledge of it, because we do not know what the facts are.

It may be that these enormous refunds are absolutely correct, and it may be that they are not; but surely we, as the people's representatives, should know what is going on, and especially is that so in view of the constitutional provision that the Government must make a report of the receipts and disbursements of the Government. How can such a report be made public unless we have some knowledge of what is going on, both in the matter of receipts and in the matter of disbursements?

I am putting these letters in the RECORD for the purpose of getting the Senate to read them and see just what the situation in the Internal Revenue Bureau is in respect to these matters, with the hope that when the revenue bill comes in here proper provisions as to publicity of tax returns may be put in that bill. I believe they ought to be put in that bill; I am confident that they will be put in that bill, so that hereafter no room for doubt or controversy may arise about these enormous refunds and about income taxes generally.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Florida?

Mr. McKELLAR. I yield to the Senator.

Mr. FLETCHER. It seems to me the Senator's position is emphasized by a situation pictured by the Senator from Alabama [Mr. HEFLIN] a few days ago. I have never seen or heard that statement questioned; but the statement was made that the clerk of the man in charge of this subject in the Treasury Department who directed a return to Mr. Doheny of some \$40,000 is now in the employ of Mr. Doheny. That is a very significant situation. If that sort of thing is going on, it seems to me it is important to follow out the Senator's suggestion.

Mr. McKELLAR. Mr. President, I have no knowledge about that, and I have no knowledge that there is anything wrong in the matters that I have brought to the attention of the Senate in this correspondence. I am making no charges. I do not desire to do that, because nobody knows—I do not know, and no one knows—but it does seem to me that in justice to the Secretary of the Treasury, and in justice to the Congress, and in justice to the people of this country we ought to have publicity of tax returns, so that there can not be any room for suspicion, there can not be any misunderstanding of the actual facts. I hope that when the Committee on Finance reports the revenue bill to this body it will contain a provision guaranteeing the publicity of tax returns in a proper way; and if such a provision is not put in the bill by the committee, I hope to have the privilege of offering an amendment of that kind on the floor of the Senate.

I strongly favor the resolution of the Senator from Michigan [Mr. COUZENS], favored its being favorably reported by the Committee to Audit and Control the Contingent Expenses of the Senate, and hope the Senate may adopt the resolution.

Mr. WADSWORTH. Mr. President, may I ask the chairman of the committee, in charge of the resolution, or the Senator in charge of it, as to what is the necessity for having this investigation made by a select committee of the Senate?

Mr. COUZENS. Mr. President, for the past two or three months a great number of complaints have been coming to me because of my discussion with the Secretary of the Treasury

about the surtax. Recently all of the developments indicate the desirability of improving the administrative features of the revenue law. I want to quote from a report issued by the National Industrial Conference Board of New York, made up of the American Cotton Manufacturers' Association, the American Electric Railway Association, the American Hardware Manufacturers' Association, and some 30 other manufacturers and industrial institutions. I am not going to take up the time of the Senate in going through this entire report, but I want to read the salient points that seem to indicate the desirability of going into the administrative features of the revenue law:

Consideration by Congress of the plan submitted by Secretary Mellon has served to concentrate attention on rates of taxation and on elimination of specific taxes. The present report is limited to giving emphasis to the importance of and the imperative need for modifying and simplifying the administrative machinery and procedure.

In taxation, it has been often stated, administration counts for nine-tenths and law for only one-tenth. While this statement may be an exaggeration, it can nevertheless be rightly asserted that a good law is weakened by inefficient or cumbersome administration, while sound and simple administration goes far to make even a poorer law endurable. It should be the aim of sound administration not only to procure the tax which the law has authorized but also to accomplish this end with a minimum of irritation to the taxpayer and with a minimum of inequity as between taxpayers. In the words of the Royal Commission on Income Tax of Great Britain, a country whose administration of the income tax has met with phenomenal success—

"Even good administration can not prevent taxation from being to some extent unpopular with those who contribute to it, because taxation deprives the citizen of a portion of his means and devotes it to objects with which he may have little acquaintance and less sympathy, but an administration that is sympathetic and scrupulously fair, while adopting proper safeguards against evasion, can do much to reconcile the taxpayer to his lot and convince him that within the limits of the statutes the tax has been laid upon him with due care and justice."

Dissatisfaction with our present administration of the income tax is heard on all sides and complaints are not without justification. Cases of arbitrary and unreasonable assessments are by no means rare, a situation often due to immature judgment or lack of adequate knowledge on the part of the Government official or agent. Business firms are sometimes confronted with assessments that are many times the tax as finally determined, but the final determination of the tax often takes years, and in the meantime the threatened tax makes impossible business extensions and improvements which are necessary or desirable.

That, Mr. President, in substance, is the reason for the introduction of the resolution, and is the primary reason why I urge its adoption by the Senate.

Mr. WADSWORTH. Mr. President, I am grateful to the Senator from Michigan for the explanation which he has given us, and with much that he has read from the document he held I am in sympathy. From time to time I have myself come into contact with the methods of the Bureau of Internal Revenue; and I realize as well, I think, as any other Senator that there is room for improvement in the administration of the income tax law.

Thus far I have had no reason to suspect anything wrong in the bureau. As a matter of fact, in the majority of the cases with which I have become at all familiar I seem to detect an attitude on the part of the bureau which, in army parlance, would be called "hard-boiled." Some of the assessments and some of the opinions of subordinates of the bureau have at times seemed to me to be, as that pamphlet expressed it, arbitrary, and perhaps inspired by the Shylock spirit of getting the last pound of flesh out of the taxpayer. What I want to know is, however, why can not the Finance Committee of the Senate conduct this investigation?

The revenue bill is now before the Finance Committee. As I understand, the revenue bill as it was passed by the House contains provisions for improving the administrative features of our tax laws, for setting up better machinery in the Internal Revenue Bureau, so that the conditions complained of shall not occur in the future. Why is it necessary to appoint a special or select committee of five Senators to investigate a subject which the Finance Committee now has before it? I anticipate that if the Senate continues to divide itself up into select committees to investigate everything under the sun we will not do any legislating.

Mr. ROBINSON. Mr. President, may I interrupt the Senator from New York at that point?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Arkansas?

Mr. WADSWORTH. I do.

Mr. ROBINSON. Since the Finance Committee has jurisdiction of the legislation relating to internal revenue, it would, if practicable, be convenient to have that committee make the investigations upon which it is expected that corrective legislation shall be based; but the Committee on Finance has just entered upon a study of the revision of the internal revenue laws which passed the body at the other end of the Capitol a few days ago, and that work is of itself sufficient in volume and importance to consume the entire time of the committee. If the Committee on Finance should be resolved into an investigating committee, it is entirely probable that it would consume the next month or two in the work of investigation alone, and no progress whatever would be made on the revenue bill; so it would seem to me, in view of the peculiar conditions that exist, and the already overwhelming burdens of the Finance Committee, that it is impracticable, if the Senate expects to pass a revenue bill before the 10th of June, to require the Finance Committee to do this work.

The Finance Committee has a very difficult task to perform in connection with the revision of the revenue law, and if it should be converted into an investigating committee it will be unable to perform the even more important function connected with the legislation now pending before the committee.

It is true that the results of the investigation which it is expected the special committee will conduct are to be enacted into law, and that in a sense it will be required that the Finance Committee familiarize itself with the work of the investigating committee; but, at the same time, I think the Senator from New York must see that if the Finance Committee is to be converted into an investigating body at this time there will be no legislation on the subject of revenue reform, there will be no tax reduction, which many of us hope may be speedily accomplished, and there will probably be no revision of the administrative features of the revenue law.

I thank the Senator from New York.

Mr. WADSWORTH. Mr. President, the matter may seem of comparatively small importance, and I do not desire to press it unduly, but it occurs to me that the Finance Committee, in the consideration of the revenue law, and especially those features which propose changes in the administrative features of the law, will have to conduct some kind of an investigation in order to ascertain whether those proposed changes are wise or should themselves be changed or amended. In order to get that information, the Finance Committee itself will have to inquire at some length, at least, into the method of operating the Bureau of Internal Revenue in connection with the income tax.

As I recollect, there are 17 Senators on the Finance Committee, and while I do not desire to give advice unasked and uncalled for to a committee of which I am not a member, my thought was that this work could be done by a subcommittee of the Finance Committee working along in cooperation with the full committee as it considered the revenue bill. But this resolution provides for a separate and distinct committee, and we have no assurance that this separate and distinct committee, meeting in another room, under a different chairman, and at different times, composed of Senators not members of the Finance Committee, will cooperate with the Finance Committee itself. It seems to me that the membership of the Finance Committee, amounting to 17, would be competent to do this work without the creation of a separate committee.

Mr. ROBINSON obtained the floor.

Mr. COUZENS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Michigan?

Mr. ROBINSON. I yield.

Mr. COUZENS. I merely want to say that the junior Senator from Utah [Mr. KING] three months ago introduced a resolution substantially the same as the resolution now before the Senate. That resolution has been before the Committee on Finance for three months, and during all that time no attempt has been made to investigate the administrative features or any other feature of the Bureau of Internal Revenue. I submit, Mr. President, that if the Committee on Finance, with a resolution before it for three months, took no action, it was evidently not thought by that committee that it was desirable to inquire into the administrative features of the Internal Revenue Bureau.

I submit that if they thought it was not desirable and some other section of the Senate thought it was desirable the Senate has a right to determine whether an inquiry into this bureau is desirable.

Mr. WADSWORTH. Mr. President, the Finance Committee must think that such an investigation is desirable, or they would not have reported this resolution.

Mr. ROBINSON. Mr. President, the Finance Committee reported this resolution, as just stated by the Senator from New York [Mr. WADSWORTH], providing for the investigation by a special committee, which shows conclusively that the Finance Committee itself does not desire to undertake the task at this time. It is well known to all of us that there inhere in the law itself difficulties of construction and interpretation which have given rise to confusion in the administration of the income tax law. That confusion has been at times so great that it has been exceedingly difficult for a taxpayer who in good faith desires to discharge his duty to the Government to ascertain what is his obligation.

There comes to my memory now instances where taxpayers have had the greatest difficulty of finding out what taxes are chargeable to them under the law as construed by the authorities in the Internal Revenue Bureau. In my judgment, the confusion is not entirely due to conflict of opinion among the agents of the bureau. It is due in part to the language of the law itself. If any Senator will take the present income tax law and read it, and then intelligently construe any one of six sections of the statute that I can point out, he will earn renown as a lawyer of exceptional and discriminating powers.

Congress ought speedily to simplify the language of our revenue law. I realize that under the practice which prevails, and which must be continued, the tax laws of the Government in the first instance are suggested by experts, and quite naturally they are disposed to employ language which to them usually has a definite meaning, but which requires knowledge of other statutes and of the constructions placed upon those statutes, not alone by courts but by officers of the Bureau of Internal Revenue. On this account great confusion has arisen.

As the resolution was first presented, statements were made in the preamble which indicated that there has been unnecessary delay in the decisions of income-tax cases; that this delay has been characterized by inefficiency on the part of the bureau or its agents; that in instances fraudulent and corrupt practices have occurred, and that before necessary reforms can be accomplished those alleged abuses should be ascertained and disclosed.

The resolution as reported by the committee eliminates the provisions of the preamble, but the resolution itself is broad enough to enable the committee to make any investigation the circumstances indicate may be necessary. The resolution is all comprehensive, and if the investigation is to be of value it will require very careful labor on the part of the members of the special committee who are to make that investigation, and their work can not be completed within a few days or a few weeks. The task is going to prove a very difficult one, because it involves a revision of language which has come, in the minds of experts, to have a definite meaning, but which, when read by one possessing only ordinary knowledge of the English language, has little, if any, meaning.

It is regrettable that the investigation was not undertaken some time ago, so that the Committee on Finance might have the benefit of the conclusions of the committee in the preparation of the bill for tax reform which it is expected will be reported and passed during the present session.

No more important subject is before the Congress than the subject of tax reduction. Yesterday the President sent to the Congress a special message in which he indicated disappointment that a measure providing for a 25 per cent reduction in taxes to be collected for the calendar year 1923 has not already been passed. I do not know why the President waited until just four days before the expiration of the time in which taxpayers are required to file their tax returns for the calendar year 1923 to make this recommendation. It has been known by the Congress and the country for a long time that no possibility exists of passing the general tax reduction law so as to make its provisions effective prior to March 15 of the present year.

Several months ago, early in the present session, in the body at the other end of the Capitol, the ranking member of the Ways and Means Committee, Mr. GARNER of Texas, made a proposal that relief from the tax burdens of 1923 and general legislation respecting tax reduction be separated. Six weeks ago he asked unanimous consent for the consideration of an appropriate joint resolution. We all know that bills raising revenue must originate in the House of Representatives. They can not originate in the Senate of the United States.

Mr. REED of Pennsylvania. Mr. President—

The PRESIDING OFFICER (Mr. SPENCER in the chair). Does the Senator from Arkansas yield to the Senator from Pennsylvania?

Mr. ROBINSON. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I would like to have the Senator's opinion as to whether a bill or resolution reducing revenue might not constitutionally originate in the Senate.

Mr. ROBINSON. Oh, no; certainly not. Within the meaning of the constitutional provision which I have quoted any bill providing for the collection of revenue is a bill raising revenue.

Mr. REED of Pennsylvania. Such a bill or resolution as the Senator suggests would provide that revenue be not raised in part. I would suggest to the Senator that the word "raising" means "levying" revenue.

Mr. ROBINSON. Mr. President, the proposition of the Senator from Pennsylvania when analyzed is that any bill which reduces the amount of revenue to be raised is not a bill raising revenue and, therefore, can originate in the Senate of the United States. If the suggestion came from a less respectable source I would not take the trouble to discuss it. Clearly the meaning of the constitutional provision is that the House of Representatives must initiate revenue legislation, and that means legislation which increases taxes and also means legislation which diminishes taxes. At the time that constitutional provision was adopted the Members of the House of Representatives were selected by popular vote and the Members of the Senate were selected by the legislatures of the respective States which they were chosen to represent. The object of the framers of the Constitution was to protect the public against recklessness in the matter of revenue legislation.

It is usually just as necessary to enact a revenue measure that will raise adequate revenue to meet the expenses of the Government as it is to protect the public against extortionate tax levies which will produce more revenue than is required. Months ago, in the only body that could originate such legislation, the leader of the Democrats on the Ways and Means Committee urged the course suggested by the President's special message of yesterday, and his suggestion was treated with contempt, was rejected by the leaders of the President's party, and rejected by the President himself.

Mr. COPELAND. Mr. President—

Mr. ROBINSON. I yield to the Senator from New York.

Mr. COPELAND. Does the Senator recall that I submitted in January a resolution asking that information be had from the Secretary of the Treasury as to whether there might not be a percentage reduction of the taxes of 1923?

Mr. ROBINSON. I recall that very distinctly. The Senator from New York did me the honor to consult with me before he presented the resolution. No action whatever was taken respecting it, but, of course, the question would naturally arise whether the Senate would be within its jurisdiction if it undertook to consider and dispose of such a resolution.

Mr. BROOKHART. Mr. President—

Mr. ROBINSON. I yield to the Senator from Iowa.

Mr. BROOKHART. In the last Congress how much were the upper brackets of taxes reduced?

Mr. ROBINSON. They were reduced from 65 to 50 per cent maximum.

Mr. BROOKHART. How much were the lower brackets reduced?

Mr. ROBINSON. I do not recall the exact percentage. The Senator may state it if he desires to do so.

Mr. BROOKHART. I do not remember it exactly myself. It was a very small percentage, however.

Mr. ROBINSON. No; the percentage of reduction was substantial, if I remember it.

Mr. BROOKHART. Then the excess-profits taxes were reduced amounting to nearly \$500,000,000.

Mr. ROBINSON. Yes; but I do not consider that germane to the proposition I am now discussing.

Mr. SIMMONS. Mr. President, I think the Senator can state very safely that when the reduction of 1921 was made, the percentage of reduction on the higher incomes was greater than on the lower.

Mr. ROBINSON. No; I think the percentages were not greater. The reduction, however, was very great, and that is the important feature of the interrogation of the Senator from Iowa.

Mr. BROOKHART. The point I am making is that the horizontal reduction demanded now is more favorable to the upper brackets than is the bill which was just passed by the House, and less favorable to the lower brackets.

Mr. ROBINSON. The bill that passed the House contained what is known as the Longworth compromise levying a maximum of 37½ per cent, which would be a reduction by about 25 per cent, so that the proposal to reduce by 25 per cent would conform to the Longworth compromise.

Mr. BROOKHART. Then what would be the effect of the compromise on the lower brackets? It would raise them.

Mr. ROBINSON. A reduction of 25 per cent raise them? Oh, no; certainly not.

Mr. BROOKHART. I mean it would raise them compared to the bill that has just passed the House.

Mr. ROBINSON. The reduction in the lower brackets, according to the Garner plan, is greater than 25 per cent in many instances.

Mr. BROOKHART. Then the real effect of the present proposition is to raise the taxes in the lower brackets—

Mr. ROBINSON. Oh, no.

Mr. BROOKHART. Compared with the—

Mr. ROBINSON. I do not think that is an accurate statement at all. If the Senator will pardon me I can state the effect of it. Compared to the Longworth compromise, the effect of the President's proposal is identical, and his proposal is a smaller reduction than that contemplated by the Garner plan on the number of the lower brackets.

Mr. BROOKHART. I think the Senator did not understand what I meant. I mean by that as compared with the bill which has just passed the House the 25 per cent proposition would raise the lower brackets.

Mr. SMOOT. No. The Senator is mistaken. As it actually passed the House—

Mr. ROBINSON. As I understand what passed the House, that body incorporated in the bill the provision for a 25 per cent reduction. Will the Senator from Iowa give me his attention?

Mr. BROOKHART. Certainly.

Mr. ROBINSON. The bill as it passed the House incorporated a provision identical with the suggestion of the President, in so far as it relates to taxes for the calendar year 1923; that is, the Longworth compromise. The Garner plan also included a 25 per cent reduction upon all income taxes paid or to be collected for the year 1923; so that there is no distinction in the bill as it passed the House of Representatives either as to the higher brackets or the lower brackets for the year 1923.

Mr. BROOKHART. I think that explains it quite fully.

Mr. GLASS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Virginia?

Mr. ROBINSON. I yield.

Mr. GLASS. What has the Senator to say to this suggestion? In theory taxation is not only an imposition directly upon the taxpayers, but it is an imposition upon consumption; that is to say, every taxpayer who can, and most of them can, includes his taxes in his overhead charges and collects them from the consumer. Now, it is suggested that the proposed 25 per cent rebate has already been collected from the consumer and that the rebate simply amounts to an additional bounty to the taxpayer.

Mr. ROBINSON. Mr. President, I hold that the collection as taxes in any amount not necessary to meet the expenses of government when honestly and economically administered is an abuse of power, and if no deficit will arise by a reduction of taxes to be made effective for the calendar year 1923, it is our duty to make the reduction.

Mr. SMOOT. There is a provision for that purpose in the bill as it passed the House.

Mr. ROBINSON. As an economic principle it is true that some classes of taxes are passed on to the consumer. I think generally when it can be done a taxpayer will reimburse himself for his contribution to the expenses of the Government. It seems to me, however, that this particular class of tax—the income tax—is more difficult to pass on to the consumer than almost any other form of tax.

In some instances, as just suggested by my friend the Senator from North Carolina [Mr. SIMMONS], it can not be done. In other instances perhaps it is done. But I would not let the fact that a part of the taxes for the year 1923 may have been passed on to the consumer prevent me from supporting a proposal to reduce taxes for that year, because we must begin some time, and if we are collecting 25 per cent more taxes than needed for the honest and economical expenditures of the Government we ought promptly to cut off that burden.

Mr. BROOKHART. Mr. President—

Mr. ROBINSON. I yield to the Senator from Iowa.

Mr. BROOKHART. Is there any portion of the public debt to which that could be applied if collected?

Mr. ROBINSON. Oh, I think so. I think if we chose to pursue that course, if it should be deemed wise to apply the revenues in a larger amount to the payment of the public debt, we could not only use any surplus that will arise under

the present law but we could use a far greater sum. I do feel, however, Mr. President, that there is a general demand in the United States for tax reduction, and I believe Congress ought to respect that demand in so far as it can do so without impairing either the credit or the efficiency of the Government.

Mr. BROOKHART. In view of the suggestion of the Senator from Virginia [Mr. GLASS] that this tax has already been paid by the consumers and would not go back to them, it seems to me that this year it should be applied to the public debt.

Mr. ROBINSON. As I have already stated, I do not think the suggestion of the Senator from Virginia can be carried to the conclusion that the income taxes for 1923 have already been paid by the consumers. I do not think that sound principles of economics sustain that conclusion. There may be some instances in which it has been done.

Mr. EDGE. Mr. President—

Mr. ROBINSON. I yield to the Senator from New Jersey.

Mr. EDGE. Admitting, as I understand the Senator from Arkansas to do, that the taxpayer is entitled to this rebate, does the Senator not think it would be more businesslike—and I do not rise in a spirit of controversy at all—if the rebate were granted, if necessary under the Constitution, by the initiation of the House of Representatives in a separate act and the taxpayers not be compelled to await the final disposition of the general revenue revision legislation? If the rebate be included in that revision, as I understand to be the intention, it would involve a very laborious system of bookkeeping and rebates to hundreds of thousands of taxpayers who will in the meantime have paid their 25 per cent quota. If we can, in the interest of good business, encourage the passage of a separate act allowing this rebate, is it not our duty to do so?

Mr. ROBINSON. Mr. President, I began my remarks with an expression of disappointment at the failure of the present administration to take that course. I pointed out the fact that the ranking member of the Ways and Means Committee in the House of Representatives, which committee has jurisdiction of that legislation, suggested that course at the beginning of this session; indeed, that he urged it, but that his suggestion was rejected.

Mr. EDGE. Permit me to say that I did not hear the opening remarks of the Senator from Arkansas.

Mr. ROBINSON. Now, Mr. President—

Mr. FLETCHER. Mr. President, before the Senator from Arkansas proceeds, may I inquire what became of the resolution which was offered by the Senator from New York [Mr. COPELAND] to which the Senator from Arkansas has referred?

Mr. ROBINSON. No action was taken upon it.

Mr. FLETCHER. Was the resolution referred to the Committee on Finance or was it adopted by the Senate?

Mr. COPELAND. Mr. President—

Mr. ROBINSON. I yield to the Senator from New York.

Mr. COPELAND. Mr. President, on the 24th of January last I introduced Senate Resolution 132, suggesting that the Secretary of the Treasury had reported a surplus of \$300,000,000 and that he believed a material reduction in the income taxes might take place. So the resolution resolved—

That the Secretary of the Treasury be, and he is hereby, directed to present to the Congress some plan of percentage deduction from the returns to be filed March 15, 1924, so that the overburdened taxpayers of the United States may benefit immediately by the improved state of the Nation's finances.

That resolution was submitted seven weeks ago. The Secretary of the Treasury then had his attention called to the matter, and I say that the administration is very culpable in that it has not provided long before this some measure of relief.

Mr. ROBINSON. Mr. President, the resolution just referred to by the Senator from New York was on the 24th day of January referred to the Committee on Finance. Clearly it has been the policy of the administration not to take any action for the relief of taxpayers for the year 1923 separate and apart from the general tax reduction bill. Within three or four days of the end of the time when returns may be filed by individuals for the income taxes of 1923 the President sends Congress a message urging the passage of legislation relieving from 25 per cent of the taxes for that year. The President's message comes at a time when a large majority of the returns in number have already been filed. It comes also when everyone in Congress knows—and I take it that the President himself must have known—that there was not the slightest possibility of the legislation passing. He waited until it became known that it could not be passed for lack of time, and then sent the message to the Congress. Why was that course

pursued by the President? It would be interesting to know why he has waited so long and how far political considerations prompted the message which he sent to Congress yesterday.

Mr. REED of Missouri. Mr. President—

Mr. ROBINSON. I yield to the Senator from Missouri.

Mr. REED of Missouri. Does not the Senator from Arkansas recognize the fact that the President has had many Cabinet difficulties to deal with and that no human being could be expected to look after that character of trouble and at the same time think about the mere matter of tax reduction?

Mr. ROBINSON. Undoubtedly the President has been very busy. The subject of tax reduction and tax reform, however, was brought forward at the beginning of the present session of Congress. The issue was attempted to be made by the leader of the Democrats in the House of Representatives and legislation for immediate relief was urged, but the President took no interest in the matter; he made no recommendation concerning it until it had become too late for anything to be accomplished. Then he modestly expressed his disappointment that nothing had been done.

Mr. McKELLAR and Mr. JONES of New Mexico addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arkansas yield; and if so to, whom?

Mr. ROBINSON. I first yield to the Senator from Tennessee [Mr. McKELLAR], who first rose.

Mr. McKELLAR. Mr. President, I noticed in the Washington Evening Star of March the 10th, two days ago, what might be an answer to the Senator's question. The article is written by Mr. Frederick William Wile, and is headed thus:

Congress' inaction is irking Coolidge. Three months pass without any of 58 proposals in message enacted.

It may be that since Congress has not passed any of the President's recommendations into law, if this article is correct—

Mr. ROBINSON. That the President thought he would make some more and some new ones.

Mr. McKELLAR. That the President thought he would add a new one that Congress could pass.

Mr. ROBINSON. Mr. President, the point I am making is that the President never made the recommendation at a time when it could have been considered and acted upon; that he withheld his recommendation until everyone knows it is too late to secure action; and the only result of it is political advantage.

Mr. JONES of New Mexico. Mr. President—

Mr. ROBINSON. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I quite agree with the statement which the Senator has made that the great majority of the income-tax payers have already made their returns; I think that is unquestionably true; but the passage of the bill even at this late date would, in my judgment, relieve a few. As I understand the history of the payment of the income taxes, the very large taxpayers defer the making of their returns and the payment of their taxes to the very last moment. They consider the interest upon the amount which they would have to pay as a daily matter. So I presume that a few very large taxpayers would be benefited by the passage of the resolution recommended by the President.

Mr. ROBINSON. They certainly have not been encouraged to go ahead and pay their taxes promptly by the special message of the President. If it has had any effect at all, it has had the effect to encourage the class of taxpayers referred to by the Senator from New Mexico to delay making their returns and delay paying the first installment upon their taxes.

Mr. FLETCHER. Mr. President, may I suggest to the Senator that perhaps the President does not favor the revenue bill as it has come to this body from the other, and he fears that the provision calling for a 25 per cent reduction may not become a law, the reason being that the reduction of taxes on incomes of \$200,000 and above is considerably less than that recommended by the Secretary of the Treasury, while the reduction of the normal tax rate on incomes of \$8,000 and under is considerably more than was recommended in the Mellon plan. So this difference may impress the President unfavorably, and he may feel that probably he will not sign the bill.

Mr. ROBINSON. In other words, the suggestion of the Senator from Florida is that if a separate resolution reducing the taxes for 1923 by 25 per cent should be passed the President might find himself with a freer hand to veto the general tax reduction bill unless it conforms strictly to the Mellon plan?

Mr. FLETCHER. Yes.

Mr. EDGE. Mr. President—

Mr. ROBINSON. I yield now to the Senator from New Jersey.

Mr. EDGE. I merely wish to say a word. Considerable stress has been laid on the resolution offered by the Senator from New York [Mr. COPELAND] asking for information as to what plan could be availed of to take advantage of the saving in governmental expenditures in 1922 and 1923 by way of a reduction in taxes for 1923. I have just looked at a copy of his resolution, and he seems to answer his question in his resolution. I can not see why there should have been any action or why the resolution was necessary, for in the preamble of the resolution it is stated:

Whereas the Secretary of the Treasury states that the fiscal years 1922 and 1923 have each closed with a surplus in excess of \$300,000,000—

And so forth. Then the resolution itself directs the Secretary to present some plan under which that saving can be applied to the taxpayers or taken advantage of by them. The mere fact that it is evident a surplus is in the Treasury has apparently inspired different Members of the House of Representatives—I do not recall who—to introduce the perfectly obvious type of legislation to reduce, from a retroactive standpoint, the taxes in that proportion. It seems to me that there is nothing more about which it is necessary for the Senator from New York to be informed.

Mr. ROBINSON. The Senator from New Jersey may characterize a proposition as a perfectly obvious type of legislation, but evidently the legislation proposing a reduction of taxes in 1923 is not so obvious that the Secretary of the Treasury has been able to see it and the President of the United States was not able to see it in time to secure action prior to March 15.

Mr. COPELAND and Mr. PEPPER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arkansas yield; and if so, to whom?

Mr. ROBINSON. I yield, first, to the Senator from New York.

Mr. COPELAND. It is not so obvious to the people who are required to pay the 25 per cent which they might have saved had the Republicans taken advantage of the opportunity to present the bill at the right time.

Mr. PEPPER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Pennsylvania?

Mr. ROBINSON. I yield with pleasure.

Mr. PEPPER. The Senator has not made it quite clear to me why immediate action might not have been taken by the House of Representatives upon the President's suggestion. If I understand the Senator correctly, the President's proposal is identical with one provision in a bill which has already passed the House. One would suppose that the House might easily and forthwith have taken the action suggested by the President.

Mr. ROBINSON. Mr. President, I understand the Senator's question perfectly and it is a very proper question, but I will state to the Senator that in the language attributed by the newspapers to the gentleman from Massachusetts, Mr. TREADWAY, a majority member of the Ways and Means Committee, there are a number of members of that committee who are unwilling to assent to the proposition contained in the President's special message of yesterday, who are not desirous of seeing the question as to a reduction of taxes for the calendar year 1923 separated from the Longworth proposal; and my information is that the latter gentleman himself, the leader of the majority of the House of Representatives, has announced that he will not consent to the consideration of a separate resolution, which, of course, makes it impossible for such a proposal as that contained in the President's special message to be acted on prior to March 15.

Mr. PEPPER. Mr. President, we all saw that the House did not act, and we all assumed that there was some reason for their failure to act. The point of my question was to bring out what I understand now to be the concession of the Senator from Arkansas, that so far as the President is concerned the suggestion was not only a proper and timely one but it might have been complied with if the legislative body had chosen to do so.

Mr. ROBINSON. No, Mr. President; it would not be possible under the ordinary procedure of the two Houses to pass a measure of that importance within four days. It never has been done. Such measures are never enacted, as a rule, by unanimous consent; and, as the President realizes and the Senator from Pennsylvania must realize, unanimous consent would have to be given in both Houses of Congress for the consideration of a joint resolution or a bill putting into effect a 25 per cent reduction of the taxes for 1923. That consent could not be secured for the reason, as stated by the gentleman whose name I called a few moments ago, a majority member of the Ways and Means Committee, that several members

of that committee would not assent to the consideration of the joint resolution; and the understanding is also that the majority leader himself is opposed to the proposition. I think it is not trespassing upon the proprieties of this occasion to say that the reason for it is that the majority leadership in the House of Representatives does not want to leave the President with a free hand to veto the Longworth compromise in the event it passes the Senate, and they fear that he would feel freer to do so if the Congress had already passed a measure relieving the taxpayer from 25 per cent of the taxes for the present year.

Mr. PEPPER. Mr. President, the facts to which the Senator has adverted are not known to me, and I have no opinion respecting them; but I merely wish to observe that what the President of the United States has done is to ask the unanimous consent of both Houses of Congress to the immediate reduction of the taxes for 1923 in accordance with the provision which has already met the approval of the majority of the Members of the House of Representatives and which, no doubt, in due course will receive the support of the Senate. That is the proposition that the President made; and how it can be doubted that the President may with propriety ask unanimous consent for so obviously popular a measure is something which I, for one, fail to understand.

Mr. ROBINSON. Mr. President, I rise merely to say that the Longworth compromise did not pass the House of Representatives by a unanimous vote. There was a close division. It barely passed at all, and it is unreasonable to expect the acceptance of a portion of the bill by unanimous vote. This morning's paper contains a statement by a distinguished majority member of the Ways and Means Committee that unanimous consent can not possibly be secured, and press reports have heretofore announced that unanimous consent can not be secured because of objection on the part of other majority members, probably including the leader of the majority, Mr. LONGWORTH.

Mr. PEPPER. Very well, Mr. President; but the fact remains that the President of the United States has said merely this, and he has said it so sensibly and plainly that everybody will understand it. He has said to the House: "You have thrashed out your revenue bill. It is true that by a narrow majority the bill has been passed, but it has been passed. It has in it a feature which now represents the action of the House. Make it unanimous in the interest of the people of the United States, and do it before it is too late." That is what he wants.

Mr. COPELAND obtained the floor.

Mr. ROBINSON. Mr. President—

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from New York yield to the Senator from Arkansas?

Mr. COPELAND. I yield.

Mr. ROBINSON. If the President had seen fit to make his recommendation 30 or 60 days ago, or at the time when Representative GARNER urged it, there would have been no necessity for obtaining unanimous consent, which anyone must know would be difficult, if not impossible. The measure could have been considered and passed upon its own merits.

Mr. COPELAND. Mr. President, it seems to any casual observer that the request at this late day for the unanimous passage of a joint resolution dealing with this matter is placed before us for political effect; but, regardless of what effect it may have politically, I am here to say that so far as my constituents are concerned they want this reduction. The demand of my State is in favor of it. Seventy-five million dollars will be saved to the people of New York if this joint resolution prevails. I think I speak for the Senators on this side of the Chamber when I say that so far as we are concerned we favor the reduction. If unanimous consent is asked for, certainly, so far as I am concerned, I shall give that consent.

Mr. KING. Mr. President, the Senator is speaking about a joint resolution that has been offered, is he?

Mr. COPELAND. I am speaking about the suggestion by the President of the United States of the passage of a joint resolution permitting a 25 per cent reduction on the 1923 returns. I think we ought not to permit the day to pass without putting through such a measure as this, if it is possible to put it through, because the people are demanding that there shall be this immediate reduction.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Tennessee?

Mr. COPELAND. I do.

Mr. McKELLAR. I agree with the Senator that the people of the country are most insistent for, and they are entitled to have, a reduction of taxes. I think that is the unanimous view

of the people of the State I represent and the view of the people of this country generally. However, this request of the President comes in here so late that I do not see how it is possible for it to be done now; but that, I will say to the Senator, is no reason why it may not be done. Only the first installment is payable on the 15th of March, and there is no reason in the world why this measure can not be passed anyway and the taxpayers get the advantage of it. It will make a reduction of 25 per cent in the total tax for the year and may be credited on subsequent quarterly payments of the tax, and I want to say that I am very much in favor of it. I shall vote for it whenever it comes up, and even if it were to come up now as a unanimous-consent proposition I should not object to it. Of course, it will have to be initiated in the House first, under the constitutional provision that all bills for raising revenue must originate in the House of Representatives. Tax reduction must be had. It is the most important question before the Congress. I shall leave no steps untaken to secure tax reduction at the earliest possible moment. Our Republican friends are in charge of the Government. The proposition is primarily up to them.

Mr. COPELAND. Mr. President, I should like to ask the Senator if he ever tried to get a refund from the Government? It will take about three years and eight months to get it.

Mr. McKELLAR. I agree with the Senator about that; but this legislation granting a reduction of 25 per cent need not be in the way of a refund. It can simply be taken out of the taxpayers' next installment of taxes, and no doubt some such arrangement will be made. I can not see that there is the slightest doubt but that it will be made. It is just a question of how it shall be made and how quickly it shall be made.

Mr. GLASS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Virginia?

Mr. COPELAND. I do.

Mr. GLASS. I should like either the Senator from Tennessee or the Senator from New York to tell us how we may immediately act here. I have understood that revenue measures had to originate in the House.

Mr. SMOOT. Certainly.

Mr. McKELLAR. That is entirely true.

Mr. GLASS. How can the Senate proceed now to reduce taxes?

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me?

Mr. COPELAND. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. Section 7 of the first article of the Constitution of the United States provides that—

All bills for raising revenue shall originate in the House of Representatives.

I do not mean to make any play on the word "raising" as it is used in that sentence. I see, and I thought everybody saw, that the purpose of the Constitution was to protect the people against the imposition of excessive taxation by requiring that all bills for the levying or the raising of taxes should originate in the most numerous branch of the National Legislature. I do not concede, however, that it is unconstitutional, and until the Senator from Arkansas so scornfully rejected my suggestion in a way that the Supreme Court does not, in a way that I do not know that lawyers ordinarily do about undecided questions of constitutional law, it seemed to me entirely constitutional for the Senate to originate a measure which relieved the people of tax burdens, because the whole purpose of the constitutional provision is to protect the people from additional levies or excessive levies or the increase of present levies, and it certainly is not to protect the people against a reduction of present burdens. That is why I think it is a very serious question for all lawyers, except perhaps the Senator from Arkansas, whether the Senate has not the right to originate a repealer of a revenue law, or such a resolution repealing in part the present revenue law as is now suggested.

Mr. ROBINSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Arkansas?

Mr. COPELAND. I yield.

Mr. ROBINSON. I do not think I am justified in reviewing this subject again. I want a vote to occur on the resolution prior to 2 o'clock, if possible; but I will state to the Senator from Pennsylvania that my understanding of the interpretation of that provision of the Constitution is that all revenue bills, whether they increase the amount of revenue or diminish it, must originate in the House of Representatives, and that

the word "raise" has no relation whatever to an increase or a diminution in taxation. It relates to measures for the procuring of revenue. Any measure which provides or affects revenue, whether it increases it or diminishes it, is a measure for raising revenue within the constitutional meaning; and the Supreme Court, I think, has uniformly sustained that conclusion. In other words, it would not be competent for the Senate to entertain in the first instance a bill providing for a reduction by 25 per cent of the revenues now collected, because that is a bill raising revenue within the meaning of the Constitution of the United States.

Mr. WALSH of Massachusetts. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. COPELAND. I do.

Mr. WALSH of Massachusetts. If the argument of the Senator from Pennsylvania is correct, it would be possible, then, to originate a sweeping tariff reduction bill in the Senate.

Mr. ROBINSON. Certainly.

Mr. WALSH of Massachusetts. Such a thing was never heard of before.

Mr. ROBINSON. Certainly; it has never even been attempted.

Mr. REED of Pennsylvania. Mr. President, does the Senator claim that the Supreme Court has ever decided that it may not be done?

Mr. ROBINSON. The construction has been unanimous, as far as I know. It certainly has not been attempted during the last 20 years in the Congress of the United States. The uniform construction is that any measure which affects the revenue is a bill for raising revenue within the meaning of the constitutional provision.

Mr. REED of Pennsylvania. I will concede to the Senator that any bill that imposed a reduced tax would be a bill for raising revenue; but a repealer of a tax law, or a repealer in part, would not be, in my judgment, within the meaning of the Constitution.

Mr. ROBINSON. Mr. President, the proposal to reduce the present taxes by 25 per cent under the Senator's own definition now would be a bill for raising revenue; and the Senate, as I stated in the beginning, could not take jurisdiction of it, even under the Senator's own conclusion.

Mr. COPELAND. Mr. President, I should like to ask the chairman of the Finance Committee if he agrees with the view of the Senator from Pennsylvania?

Mr. SMOOT. Mr. President, I think the best way to answer the question is to say that if a revenue bill of any kind or nature did originate in the Senate, and if the Senate did pass it, it would go to the House of Representatives, and I do not think the House would ever take any notice of it.

Mr. ROBINSON. It would not even receive it. It would send it back.

Mr. SWANSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Virginia?

Mr. COPELAND. I yield to the Senator from Virginia.

Mr. SWANSON. There has been a precedent on it in the last four or five years, when the naval bill was up. A provision for the sale of bonds, which is a method of raising revenue, was put on as an amendment here, to take care of certain additions that were made to the naval bill. The House of Representatives unanimously refused to consider it, and sent it back, and said that it was an infringement of their rights and that it would have to come back to the Senate and that provision would have to be eliminated before they would consider the whole bill.

Mr. REED of Pennsylvania. I think they were exactly right in that; but that was not a bill to repeal a revenue law.

Mr. SWANSON. Getting revenue in any shape or form. There is a way the Senator can accomplish his purpose which, I have no doubt, would be in accord with what the President desires in making this recommendation. The Senator can move to strike out all after the enacting clause of the bill which originated in the House and substitute his resolution, and it will go over to the House and they can concur in it. That would result in the death of the provisions of that bill, except for the provision put in here. I have no doubt that is what the President desires to have done.

Mr. ROBINSON. That can not be done before the 15th of March.

Mr. SWANSON. No; but that is the only way in which it can be accomplished by the Senate; and I have no doubt that would carry out the purpose of the President to kill the bill and get the 25 per cent reduction through.

Mr. McKELLAR. Will the Senator from New York yield?

Mr. COPELAND. I yield.

Mr. McKELLAR. The Senate may recall that just a few days ago a District bill was presented which provided, among other things, for the placing of a small tax on gasoline. The Chair ruled that that being a District bill it did not come within the provisions of the Constitution about all revenue bills originating in the House. An appeal to the Senate was taken; and the Senate held, by quite a large majority, that the Chair was in error, and that even a bill of that kind had to originate in the House. I have no doubt in the world that a bill for tax reduction will have to originate in the House.

Mr. COPELAND. Mr. President, as a final word, it is the fault of the gentlemen across the aisle that this provision for a reduction in the taxes of 1923 has not been made; and if they think it should originate in the House, I suggest that they ask their Republican colleagues in the House to make every effort to have it passed and send it back to us so that we can pass it this afternoon or to-morrow.

Mr. SIMMONS. Mr. President, I simply desire to make a few observations with reference to the matters under discussion. First, with reference to the contention of the Senator from Pennsylvania [Mr. REED]. An act to materially amend or repeal an act to raise revenue would interfere just as much with the initiatory powers of the House over the subject of raising revenue as would a direct measure on the part of the Senate to raise revenue. The Senator is clearly, I think, wrong in his contention for the contrary view.

I do not think it has ever been maintained in this Chamber that we have any more right to repeal a law passed for the purpose of raising revenue to support the Government than we have to originate such legislation.

I have never heard it contended since I have been here that we had any such power. I know that many resolutions, and possibly bills, have been introduced during the period of my service here which it was supposed would affect the revenues, and invariably the constitutional objection to this body's initiating such legislation has been made and acknowledged. I think it has been definitely settled that we have not that power.

I have said this because the Senator from New York, who introduced a resolution with reference to revenues of the Government, seems to be under the impression that we might today take up his resolution and pass it, or some resolution which would carry out the purposes of the President in the message which he delivered to us yesterday. We have not the power to do it, and the House of Representatives has indicated that at this late hour it does not intend to do it. It seems to me that should be an end to the matter.

Of course, we are all in favor of the reduction of taxes. Any statement to the contrary that this side of the Chamber is not in full sympathy with every movement that is now under way for the reduction of taxes is without warrant. The only difference between us at any time has been as to the plan of reduction. We are not only all in favor of reducing taxes that are to be hereafter paid, but we are all in favor of making the reduction retroactive so as to include the incomes of 1923.

The Senator from New York, however, is entitled to the honor and the distinction of having been the first man in either House of Congress to suggest the idea of extending these reductions to the incomes of 1923.

The distinguished ranking member of the minority of the Ways and Means Committee of the House some time ago, subsequent, however, to the introduction of the resolution by the Senator from New York, advanced the same proposition, and I think offered a resolution to that end either in the House or in the Ways and Means Committee. Instead of reporting out a resolution and speeding it through Congress the proposition was adopted and written in the bill. Why this course? Doubtless because that committee thought that wisdom required that this reduction of the taxes of 1923 should be coupled with the reductions of taxes hereafter to be paid. If we should separate these two propositions and pass legislation for the relief of the taxpayers of 1923, and the proposed bill reducing taxes hereafter to be paid should fail, the result would have been a distinct discrimination in favor of the taxpayers of one particular year. For that, and probably for some other reasons, it was determined in the House of Representatives that these two propositions should not be separated, and the very identical proposition contained in the resolution which the President now asks us to pass by unanimous consent is, as I said, written in the bill which is now pending before the Finance Committee.

If that bill becomes law and the taxpayers of the future are to be relieved, then the taxpayers of the past year will be re-

lieved. If that bill does not pass and the taxpayers of the future are not to be relieved, then the taxpayers of last year ought not to be relieved. The two things ought to be coupled together. It was a wise solution on the part of the framers of revenue legislation in the other body.

The only reason advanced as to why this resolution should be railroaded through Congress at this time is that if that is not done, and the same object is accomplished through the passage of the bill now pending, it will create inconvenience in the Treasury Department, entail extra bookkeeping, and involve complications in accounting.

I do not wish to say that that is a pretext. I do not wish to say that there is some ulterior consideration not now disclosed.

As it is nearly 2 o'clock, it is suggested to me that I yield so that a vote may be taken on the pending resolution before the expiration of the morning hour. I yield for that purpose.

The PRESIDING OFFICER. The Secretary will state the pending question on the resolution.

The READING CLERK. The Committee to Audit and Control the Contingent Expenses of the Senate report to strike out all after the word "Resolved" and insert:

That the President of the Senate pro tempore is authorized to appoint a special committee of five members, three of whom shall be of the majority and two of the minority party, which shall investigate the Bureau of Internal Revenue to ascertain the extent of which said conditions exist and report its findings together with recommendations for corrective legislation not later than May 1 (April 15, 1924), so that this information may be ready for the Senate in considering the pending tax revision and tax reduction bill.

The committee is authorized to hold hearings, to sit during the sessions and recesses of the Sixty-eighth Congress and to employ a stenographer at a cost not to exceed 25 cents per hundred words. The committee is further authorized to send for persons and papers; to require by subpoena the attendance of witnesses, the production of books, papers, and documents; to administer oaths; and to take testimony. The expenses of the committee shall be paid from the contingent fund of the Senate.

The Committee on Finance report amendments to the amendment of the Committee to Audit and Control the Contingent Expenses of the Senate as follows: After the words "pro tempore," on page 3, line 1, insert the words "or acting President of the Senate pro tempore."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The READING CLERK. Also on page 3, line 6, after the word "Revenue," the Committee on Finance report to strike out the words "to ascertain the extent of which said conditions exist."

The amendment to the amendment was agreed to.

The READING CLERK. On page 4, line 2, after the word "legislation," the Committee on Finance report to strike out the words "not later than April 15, 1924, so that this information may be ready for the Senate in considering the pending tax revision and tax reduction bills."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The resolution as amended was agreed to.

The READING CLERK. The Committee on Finance report to strike out the preamble.

The PRESIDING OFFICER. The question is on agreeing to the amendment striking out the preamble.

The amendment was agreed to.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Chair appoints as the committee the Senator from Indiana [Mr. WATSON], the Senator from Kentucky [Mr. ERNST], the Senator from Michigan [Mr. COUZENS], the Senator from New Mexico [Mr. JONES], and the Senator from Utah [Mr. KING].

The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

AGRICULTURAL DIVERSIFICATION.

The READING CLERK. A bill (S. 2250) to promote a permanent system of self-supporting agriculture in regions adversely affected by the stimulation of wheat production during the war and aggravated by many years of small yields and high-production costs of wheat.

Mr. SIMMONS. I say that if the resolution should pass to-day, only four days before the time for final filing of income tax returns and the payment of the first installment, the inconvenience, the dislocation, the extra bookkeeping and accounting which it is claimed would be imposed upon the Treasury Department if the resolution fails and such a provision incor-

porated in the law, would be practically just as great or, at least, nearly so.

There must be some other reason why the administration is so anxious to have the resolution passed right upon the eve of the day fixed for the final filing of these tax returns. I do not say what these reasons are, but I speculate and conjecture. It has been suggested that if the resolution is permitted to pass the administration will probably find an issue upon which to go before the people even if the bill itself should ultimately be defeated or vetoed.

It has also been suggested—I do not assert it—that if the resolution is passed and the administration shall get credit with the country for making a reduction in the taxes of 1923, the President could with greater impunity veto the bill, as there has been threats he would do, unless both Houses of Congress should surrender their judgment and right of decision and accept the bill which the administration has prepared and sent to us without change or emendation.

I do not know what the purposes of the President with regard to the matter are, but I do know that the Republican Party is in a dilemma about the bill. If either the Garner or Longworth plan is adopted and the bill is passed and the President shall veto it, then the Republican Party will have to account with the overwhelming sentiment for reduction in the country. If the President shall succeed in forcing the adoption of the Mellon plan and signs the bill, the President and the Republican Party will have to account to the great mass of American voters for the rank discrimination made in that plan in favor of the man of big income and against the man of small income. Again, Mr. President, that the Republican Party, as represented by the administration, may feel that certain Senators may be reluctant upon the eve of the election to vote for the drastic provisions of the Mellon plan, to vote for a reduction of 50 per cent upon the taxes of men of large incomes in the country and only 25 per cent upon the taxes of men of small incomes. I can see how they may be afraid to cast that kind of a vote upon the eve of the election. It is conceivable that the administration, much as it may favor that plan, might see danger in it on election day. It is conceivable that even some Republican Senators and Representatives may tremble at the thought of having to answer so soon at the bar of public opinion for such a vote as that. I can see how, under these circumstances, the die-hard advocates of the Mellon plan might conclude that if the bill could be postponed until after the election, all of these fears would be measurably quieted, and that the adoption of the Mellon plan might be successful in the next session of the Congress.

The PRESIDING OFFICER. The time of the Senator on the amendment has expired. We are under the 10-minute rule. The Senator has 10 minutes on the bill, if he has not previously spoken on the bill.

Mr. SIMMONS. I was not speaking on the bill. However, I recognize the fact that the unfinished business is before the Senate.

Mr. ROBINSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Fess	McKellar	Simmons
Bayard	Fletcher	McKinley	Smith
Borah	Frazier	McLean	Smoot
Brookhart	George	McNary	Spencer
Broussard	Gerry	Mayfield	Stanfield
Bruce	Glass	Moses	Stanley
Bursum	Gooding	Neely	Stephens
Cameron	Hale	Norris	Swanson
Capper	Harrison	Oddie	Trammell
Copeland	Howell	Pepper	Wadsworth
Couzens	Johnson, Minn.	Phipps	Walsh, Mass.
Curtis	Jones, Wash.	Ransdell	Walsh, Mont.
Dale	Kendrick	Reed, Mo.	Warren
Dill	Keyes	Reed, Pa.	Watson
Edge	King	Robinson	Weller
Edwards	Ladd	Sheppard	Willis
Ernst	Lodge	Shields	
Ferris	McCormick	Shipstead	

The PRESIDING OFFICER (Mr. McNARY in the chair). Seventy Senators having answered to their names, there is a quorum present.

Mr. WADSWORTH. Mr. President, commencing at 2 o'clock, the Senator from North Carolina [Mr. SIMMONS] addressed the Senate on the amendment offered by the Senator from Montana [Mr. WALSH] to the pending bill. I imagine that the Senator from North Carolina did not know he was addressing the Senate upon that question, and certainly the Senate did not know he was discussing it. I propose for about a minute and a half to address myself to the same amendment, and I

have an idea that the relevancy of my remarks will be about as apparent as were those of the Senator from North Carolina.

Mr. President, I wish to congratulate the Senate on the appointment of a special select committee to investigate the Internal Revenue Bureau. Senators who are present may remember that I expressed the hope that the Committee on Finance could do this work. I was nearly deflected from my conviction upon that point by the Senator from Arkansas [Mr. ROBINSON], who, with sobs in his throat and tears streaming down his face, begged mercy for the Committee on Finance, describing how terribly overworked its members were, the huge dimensions of the task confronting them, and prophesying that it would take at least a month or more than a month for them to accomplish the single task connected with the revision of the revenue laws, and that no such additional burden as that contemplated by the Senator from Michigan [Mr. COUZENS] in his resolution should be imposed upon them. I say I was nearly deflected from my conviction in that regard by the impassioned plea of the Senator from Arkansas; and yet I find that the Presiding Officer of the Senate agreed with me in the long run, for when he appointed the committee of five he appointed four members of the Committee on Finance, and only one from outside the committee. So my point has been attained.

Mr. ROBINSON. Mr. President, the Senator from New York, of course, realizes that the Finance Committee can proceed with its important task of considering the revenue bill even while the subcommittee, of which four members of the Committee on Finance are members, proceed with the investigation of the Internal Revenue Bureau.

Mr. WADSWORTH. The Senator from New York suggested a subcommittee, and I am glad to see that the Presiding Officer has appointed a subcommittee of the Committee on Finance.

Mr. ROBINSON. Mr. President, I assure the Senate that I am just as happy as is the Senator from New York.

PRESIDENT COOLIDGE'S RECOMMENDATIONS TO CONGRESS.

Mr. McKELLAR. Mr. President, this morning reference was made to an article written by Frederick William Wile in the Washington Evening Star, with reference to the major recommendation submitted to the Congress by President Coolidge and the lack of action thereon by the Congress. I ask unanimous consent that the article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONGRESS'S INACTION IS IRKING COOLIDGE—THREE MONTHS PASS WITHOUT ANY OF 58 PROPOSALS IN MESSAGE ENACTED.

(By Frederick William Wile.)

Two cardinal purposes were in President Coolidge's mind Saturday night when he reminded the country at the White House Correspondents' Association dinner, that "Congress is supposed under the Constitution to be engaged with legislation."

In view of the prevailing national interest in "investigations," the President was unquestionably disposed, with that observation, to draw attention to Congress' feverish activity in fields which are not strictly within its constitutional jurisdiction. Mr. Coolidge, in effect, said that the legislative branch of the Government is usurping authority.

What the President, there is reason to believe, mainly desires to emphasize is the procrastination of Congress in dealing with matters of vital national importance. Senate and House have been in session for more than three months. Not even the annual appropriation bills have been passed.

NO PROPOSALS MADE LAW.

Not only has there been no action on those more or less routine measures, but no single one of the fifty-eight species of legislation recommended by President Coolidge in his message to Congress has as yet been enacted. These recommendations cover virtually every field of Federal activity and necessity. Each of them is of greater or lesser urgency.

Some of the President's friends and advisers believe he may shortly take occasion to talk more plainly to the country on the congressional situation than he did to the White House reporters. He is represented as desiring to give the investigation mania "rope enough to hang itself." When it has run its course and churned up all the dust and mud that the traffic will bear, there are Coolidge supporters who expect the President to speak up and speak out.

There has been circumstantial reports that before long Mr. Coolidge would do something to "electrify" the country. It has been foreshadowed that he has in contemplation, in his own time, action designed to show the country its confidence in him is not misplaced. The recent allusion to the constitutional rôle of Congress is now interpreted as indicating that the President, in a sort of way, means to turn the investigation tables and investigate what Congress has really been doing since December.

COOLIDGE'S MAJOR POLICIES.

Here is a tabulation of the major recommendations submitted to Congress by Coolidge in his maiden message:

1. Entry into the World Court.
2. Reorganization of the foreign service.
3. Tax reduction.
4. Abolition of tax-exempt securities.
5. Opening of intracoastal waterways.
6. Ship liquor treaty with Great Britain.
7. Strengthening of Coast Guard to fight rum runners.
8. Commission on negro migration.
9. Classification of postmasters.
10. Inclusion of prohibition agents in civil service.
11. Inauguration of plan for more Government buildings in Washington.
12. International action against oil pollution of coast waters.
13. Laws regulating aviation.
14. Laws regulating radio interference.
15. Legislation providing safe load lines for vessels.
16. Recodification of navigation laws.
17. Revision of Federal Trade Commission procedure.
18. Regulation of Alaskan fisheries.
19. Strengthening of Army and Navy personnel.
20. More airplanes for the Army.
21. More submarines for the Navy.
22. Legislation to limit child labor.
23. Minimum wage law for women in strictly Federal jurisdictions.
24. Creation of department of education and welfare.
25. Immigration restriction and registration of aliens.
26. Legislation to open veterans' hospitals to service men of all wars.
27. Authorization of President to appoint commission to deal with emergencies in coal situation.
28. Reorganization of Government departments.
29. Temporary Federal aid for farm exports.
30. Leasing of Muscle Shoals.
31. Relief for occupants of Government reclamation projects.
32. Constructive legislation for highways and forests.
33. Superpower development in Northeastern States.
34. Revision of Railroad Labor Board rules.
35. Legislation on railroad rate fixing after Supreme Court acts on recapture clauses of transportation act.
36. Entire reconstruction of railroad-rate structure.
37. Legislation for railroad consolidation.
38. Revision of the laws of the United States.
39. Legislation permitting simplification of Supreme Court rules governing review by that tribunal.
40. Employment in Federal prisons.
41. New Federal reformatories.
42. Creation of division of criminal identification in Department of Justice.

CHARGE OF DO-NOTHINGISM.

Subdivision feature of these 42 presidential recommendations to Congress are said to bring up the grand total of specific legislative enactments proposed by Mr. Coolidge to 58. Bills have been introduced covering many of them. Hearings have been instituted in numerous instances. But no final action has as yet ensued. Coolidge adherents assert that the President could easily incite public indignation over such a program of demonstrated "do-nothingism" on Capitol Hill.

If Coolidge prefers to rebuke Congress for encroachment upon the Executive authority in calling for Cabinet resignations and investigating executive departments, instead of assailing Congress for time wasting, the President can call up a Mount Everest of precedent and proof to sustain his position. It began to accumulate in Andrew Jackson's administration. Another Democratic President, Grover Cleveland, piled it still higher. Cleveland's vigorous resentment of senatorial encroachment was the conspicuous feature of the many conflicts that raged during his first administration. Coolidge cited one of these—the Alabama district attorney episode—in his statement declaring he would ignore the Senate's demand for Denby's retirement.

DEFINES EXECUTIVE POWERS.

In the Law Journal of Georgetown University for November, 1923, two months before the pending congressional investigation epidemic broke out, Abraham F. Meyers, of the District of Columbia bar, discussed at length "The power of Congress to investigate the Executive."

Mr. Myers showed by a chain of precedents and Supreme Court decisions stretching from the Constitutional Convention at Philadelphia up to and including the late Chief Justiceship of Edward Douglass White that our Presidents and our highest tribunal have consistently maintained the independence of the Executive as against the inter-

ference of the legislative branch. In a passage that might have been prophetic with regard to current events Mr. Myers asserted:

"The conclusion to be drawn from precedents and authorities heretofore cited is that neither Congress as a whole nor either House thereof is vested with any general supervisory power over the President. The head of an executive department may be regarded as an alter ego of the Chief Executive. The inquisitorial powers of Congress are strictly limited to subjects in regard to which it has a constitutional function to perform. Naturally, the enactment of legislation is the principal business of Congress. * * * The Executive is justified in resisting any demand when it is believed that compliance would be incompatible with the public interest. * * * The infliction of punishment by one coordinate branch upon the other would be wholly repugnant to the constitutional scheme. The Executive, no less than Congress, is accountable directly to the people, and ultimate decision in such matters must rest with the electorate."

The immediate future may bring forth from Calvin Coolidge an appeal to the electorate along the lines just above indicated.

AGRICULTURAL DIVERSIFICATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2250) to promote a permanent system of self-supporting agriculture in regions adversely affected by the stimulation of wheat production during the war and aggravated by many years of small yields and high production costs of wheat.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Montana [Mr. WALSH].

Mr. LODGE. Which amendment?

Mr. MCKELLAR. Let the amendment be stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. The senior Senator from Montana [Mr. WALSH] has offered the following amendment:

Strike out page 3, line 22, through page 4, line 21, and insert in lieu thereof the following:

"The Secretary, in executing the functions vested in him by this act, shall, so far as practicable, utilize the Federal intermediate credit banks system; and the Federal Farm Loan Board and the directors and officers of the Federal intermediate credit banks shall cooperate with the Secretary for such purpose."

Mr. BRUCE. Mr. President, I suggest the absence of a quorum.

Mr. WADSWORTH. We just had a quorum call.

The PRESIDING OFFICER. There has been no business transacted since the last roll call. The question is on the amendment proposed by the Senator from Montana.

Mr. WALSH. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the Senator from Vermont [Mr. GREENE] and vote "nay."

Mr. McCORMICK (when his name was called). I have a standing pair with the Senator from Oklahoma [Mr. OWEN]. I find I can transfer that pair to the Senator from Iowa [Mr. CUMMINS], and I do so. I vote "nay."

Mr. PHIPPS (when his name was called). I have a pair with the junior Senator from South Carolina [Mr. DIAL]. In his absence I withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Oklahoma [Mr. HARRELD], but I transfer that pair to the junior Senator from Montana [Mr. WHEELER] and will vote. I vote "yea."

Mr. SMITH (when his name was called). I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from Alabama [Mr. HEFLIN] and vote "yea."

Mr. WALSH of Massachusetts (when his name was called). On this question I am paired with the junior Senator from Wisconsin [Mr. LENROOT]. I transfer that pair to the junior Senator from Arkansas [Mr. CARAWAY] and vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN], who is detained from the Chamber on account of illness. I therefore withhold my vote. I wish this announcement of my pair to stand for the day.

The roll call was concluded.

Mr. TRAMMELL (after having voted in the affirmative). I have voted, but I desire to announce my pair with the Senator from Rhode Island [Mr. CORT]. However, I feel at liberty

to vote upon this question, and shall therefore let my vote stand.

Mr. FLETCHER (after having voted in the affirmative). I have a general pair with the Senator from Delaware [Mr. BALL], who is absent. I am unable to obtain a transfer of that pair, and, therefore, I withdraw my vote.

Mr. JONES of New Mexico. I transfer my general pair with the Senator from Maine [Mr. FERNALD] to the Senator from Indiana [Mr. RALSTON] and vote "yea."

Mr. CURTIS. I desire to announce that the Senator from Connecticut [Mr. BRANDEGEE] is paired with the Senator from Nevada [Mr. PITTMAN] on the pending amendment.

The roll call resulted—yeas 32, nays 32, as follows:

YEAS—32.

Adams	Gerry	Mayfield	Smith
Bayard	Glass	Moses	Smoot
Borah	Harrison	Ransdell	Stanley
Broussard	Jones, N. Mex.	Reed, Mo.	Stephens
Bruce	Jones, Wash.	Robinson	Trammell
Edwards	King	Shields	Wadsworth
Ferris	McKellar	Shipstead	Walsh, Mass.
George	McNary	Simmons	Walsh, Mont.

NAYS—32.

Brookhart	Edge	Ladd	Pepper
Bursum	Ernst	Lodge	Reed, Pa.
Cameron	Fess	McCormick	Sheppard
Capper	Frazier	McKinley	Spencer
Copeland	Gooding	McLean	Stanfield
Couzens	Hale	Neely	Watson
Curtis	Johnson, Minn.	Norris	Weller
Dill	Kendrick	Oddie	Willis

NOT VOTING—32.

Ashurst	Elkins	Johnson, Calif.	Pittman
Ball	Fernald	Keyes	Ralston
Brandegee	Fletcher	La Follette	Shortridge
Caraway	Greene	Lenroot	Sterling
Colt	Harrell	Norbeck	Swanson
Cummins	Harris	Overman	Underwood
Dale	Heflin	Owen	Warren
Dial	Howell	Phipps	Wheeler

The PRESIDING OFFICER. On the amendment of the Senator from Montana the yeas are 32 and the nays are 32. So the amendment is rejected.

Mr. WALSH of Montana. Mr. President, I had hoped that this amendment would prevail. We are going to loan \$50,000,000 out in these Northwestern States. We have already set up a piece of loaning machinery and put it in the hands of men who are presumably somewhat familiar with banking principles, experienced in the loaning of money, competent to judge of the advisability of making a loan to this man or to that man. We have elected now to discard all of that machinery which we created—which we created less than a year ago—for the purpose of making loans to farmers. We are going to discard that machinery, and, bear in mind, authorize the Secretary of Agriculture to loan out \$50,000,000, and to organize a new piece of machinery for the purpose of placing those loans.

Mr. President, we are on the eve of a national campaign; and I undertake to say that if this fund is distributed under the unrestrained discretion of the Secretary of Agriculture, we are as likely to have a scandal in connection with this transaction and this legislation as we had in connection with the matter that has been engaging the public attention here recently. If the Senators upon the other side of the Chamber want to relieve themselves from the almost inevitable inference that this is chiefly for political purposes, they will reconsider the vote just taken.

I shall not move a reconsideration, because I am in no situation to do so; but I shall offer another amendment giving the Senate a further chance to think about it.

After the word "livestock" in line 10, on page 4, I move to insert the following:

The Secretary, in executing the functions vested in him by this act, may, so far as practicable, utilize the Federal intermediate credit-banks system; and the Federal Farm Loan Board and the directors and officers of the Federal intermediate credit banks shall cooperate with the Secretary for such purpose.

The amendment is identical with the amendment heretofore offered, except that it does not strike out anything; it leaves in the bill everything that is there, and it simply changes the word "shall" to "may," so that it is up to the Secretary of Agriculture whether or not he shall make use of this agency which has already been created by the Congress. The responsibility is his, now, whether he will take that machinery which has been provided by Congress or whether he will create a machinery of his own; and, bear in mind, his own unrestricted discretion is the guide to the machinery which he shall create. He is simply required to advise with these other people and to get informa-

tion from them; and this places no obligation upon him, either. It simply provides that he may make use of them.

Mr. FLETCHER and Mr. COPELAND addressed the Chair: The PRESIDING OFFICER. Does the Senator from Montana yield, and to whom?

Mr. WALSH of Montana. I yield the floor.

Mr. FLETCHER. Mr. President, I merely wanted to suggest to the Senator that he will have an opportunity when the bill comes into the Senate to renew the offer of this amendment. The bill is now before the Senate as in Committee of the Whole, and he will have another opportunity in the Senate to offer the same amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. COPELAND obtained the floor.

Mr. BORAH. Mr. President—

Mr. COPELAND. I yield to the Senator from Idaho.

Mr. BORAH. I was going to suggest that we ought to have another vote upon the amendment in the Senate.

Mr. ROBINSON. Yes.

Mr. BORAH. I think it ought to be mandatory. We can have another vote in the Senate.

Mr. WALSH of Montana. Mr. President, I give notice now that I shall ask for another vote on the amendment which has just been voted on when the bill comes into the Senate.

Mr. KENDRICK. Mr. President—

The PRESIDING OFFICER. The Chair has recognized the Senator from New York.

Mr. COPELAND. I yield to the Senator from Wyoming.

Mr. KENDRICK. Mr. President, I just want to say, as one of those who voted against this amendment, that the change proposed by the Senator from Montana makes the amendment absolutely satisfactory to me, and I believe it will be satisfactory to every Senator who voted the other way. Under the proposed change the provision becomes permissive instead of mandatory. The difficulty with the banking agencies is that they are too slow and unresponsive to meet the urgency of this situation. If any benefit at all is to come from this bill, it must come through prompt action; and, if the Senator will yield just a minute, I want to call the attention of the Senate to the experience in lending the money that we voted to the farmers in the West for seed purposes. These figures were given me this morning. I have not had time to get all of them, but this is the record:

Congress voted \$2,000,000 for this purpose, and there were 17,000 applications. As I recall the provisions of the bill, the loans were to be made under the direction of the Secretary of Agriculture, the same as is proposed here, or substantially so. There were 17,200 applications; there were 13,935 individual loans, all made within a period of 40 days' time; and the total expense involved in making those loans, aggregating nearly \$2,000,000—or, to be exact, \$1,957,000—was \$16,134.50.

If I may say just a word more about it to those who have found it necessary to criticize this bill so unsparingly, out of that two millions of dollars that were loaned to the farmers at that time there has been returned at the present time \$1,222,710 of principal and \$94,180 of interest.

I thank the Senator.

Mr. COPELAND. Mr. President, yesterday the Senate heard from the able Senator from Georgia [Mr. GEORGE] a very eloquent and, from his standpoint, a most logical speech against what he calls a paternalistic scheme of government. He expressed the fear that if this bill should prevail we would be laying the foundation of communism in this country, and that the destruction of government would naturally follow. I do not share the views of the Senator, and I hope to be able to explain why.

When we consider this bill we must not forget that the condition which it seeks to remedy is not entirely the fault of the farmer. The Northwest is facing a double calamity. Both these calamities, perhaps, are due to the same cause. First, there is the deprivation of profitable markets for wheat; but, in the second place, there is the failure of proper and sufficient banking support. As I see it, the reason why this particular measure should prevail is because the banking facilities of the Northwest are practically obliterated.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Utah?

Mr. COPELAND. I yield.

Mr. KING. The Senator will understand that in the word "Northwest" he must not include the State of South Dakota, because, as I showed the other day, its prosperity is great; and the able Senator from Minnesota rose and stated that he was authorized to state that this bill did not apply to his State at all.

Mr. COPELAND. I will bear that in mind; but I also recall that in several States in the Northwest the local banks are going to smash. In one State 95 State banks failed very recently, and several of the national banks, and in one town in the West on one day eight banks failed.

I agree with the Senator from Georgia that in ordinary times there should be no interference with the recognized economic laws, and in ordinary times the usual and recognized rules of business and social conduct should be strictly observed; but where we have such a situation as this, where we are facing a great economic disaster, the ordinary rules can not be observed. In case of an earthquake or a great explosion the traffic laws of a city are trampled upon and disregarded, and we are dealing here with an analogous economic disaster.

In the States we exercise the police power. In time of imminent peril to the health and the physical well-being of the people extraordinary measures are adopted. We have in our State of New York passed a tax exemption law in order that dwellings may be built for the people. The ordinary methods of supply and demand did not bring about the building of these houses, and it was necessary to exclude from taxation many dwellings in order to stimulate a building program. In the same way we have chosen to pass rent laws, absolutely violating the ordinary rules of supply and demand, but limiting rents so as to make it impossible to raise them above a certain price, in order that the people should not be excluded from decent habitations. In different States there have been times when the price of bread has been fixed, and the grain elevator rates have been fixed. So I take it that the bill before us is in the nature of a similar emergency relief measure, made necessary by the inability of the farmers in the Northwest to finance proper efforts at diversified farming. It is not applicable to other farmers, of course, in localities where the banking facilities have not failed; but here is a situation where the crops have failed and where the banking facilities have failed at the same time. Bear in mind, too, that this bill does not propose a gratuity; it provides only for loans.

Mr. REED of Missouri. Mr. President—

Mr. COPELAND. I yield to the Senator.

Mr. REED of Missouri. The Senator is speaking of North Dakota. What did they do to the banks in North Dakota by law? Who destroyed the banks in North Dakota?

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Montana?

Mr. COPELAND. I yield.

Mr. WALSH of Montana. The import of the question asked by the Senator from Missouri does not escape any of us. My State has not passed any legislation destructive of banking interests, and yet there is a greater percentage of bank failures in the State of Montana than there is in North Dakota.

Mr. REED of Missouri. The Senator's State has had two or three wheat-crop failures, has it not?

Mr. WALSH of Montana. So they had in North Dakota.

Mr. REED of Missouri. The Senator's State may not have passed those laws, but I think the laws of North Dakota have something to do with the situation. I will, however, address myself to that matter in my own time.

The PRESIDING OFFICER. The Chair must advise the Senator from New York that his time on the pending amendment has expired. He very generously yielded half his time to the Senator from Wyoming [Mr. KENDRICK].

Mr. COPELAND. I have not spoken on the bill.

The PRESIDING OFFICER. The Senator has 10 minutes on the bill.

Mr. COPELAND. I thank the Chair. I do not care what the cause of the bank failures is, if there is a banking situation which makes it impossible for these farmers to recoup or to reestablish themselves on a different basis, we must relieve them of the situation and make it possible for them to go on. It seems to me this bill is a very sensible one. It plainly speaks, at the bottom of the first page, in line 8, that its purpose is to change conditions "through the encouragement of a system of agriculture not dependent for its success upon wheat alone." In other words, this is to make provision for diversified farming.

Mr. GLASS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Virginia?

Mr. COPELAND. I yield to the Senator from Virginia.

Mr. GLASS. I want to ask the Senator from New York when it became a proper function of Government to take the taxpayers' money to replenish deficiencies occasioned by mismanaged and failed banks?

Mr. COPELAND. Mr. President, I do not care what the cause of the failure was. If by reason of the failure the farmers of that section are about to starve or go into bankruptcy, I say that it is the business of Government to find a way to relieve the situation and make it possible for them to engage in diversified agriculture.

Mr. GLASS. As a matter of fact, does not the Senator know that the sound banks of the country have ample funds to loan to people who are entitled to credit? Never since they were established have the Federal reserve banks of this country had a higher reserve percentage than they have to-day. But the Senator has not answered my question. I asked him when it became a constitutional function of this Government to take other people's money, to take money exacted from the common taxpayers of this country, and devote it to the purpose of replenishing deficiencies occasioned by failed banks?

Mr. COPELAND. Does not the Senator from Virginia recognize that in case of imminent peril or public necessity it may be necessary for the Government to do extraordinary things?

Mr. GLASS. Does the Senator think that there is imminent peril because the farmers of a small section have not up to this time diversified their crops? Is that a peril?

Mr. COPELAND. The Senator from New York does think so.

Mr. GLASS. Is that a national menace?

Mr. COPELAND. It is a menace to the people of that section, and I say that it is the business of the Government to relieve the people of the danger of the menace.

Mr. GLASS. Has there been any fault of the Government? Is the Government responsible for the fact that farmers in this section or any other section have not pleased to diversify their crops?

Mr. COPELAND. The Government is not responsible if a smallpox epidemic comes along, but the smallpox epidemic comes, and when it does come it is the function of the Government to find a way to control it.

Mr. GLASS. The Senator does not give us an analogy at all, and he has not yet answered my question as to what constitutional right the Government has to take funds exacted from all of the taxpayers and appropriate them to an extraordinary use, as this is.

Mr. COPELAND. I do not suppose the Senator from Virginia and I will ever agree on this subject.

Mr. GLASS. I am sure not.

Mr. COPELAND. But so far as I am concerned, my vote will be given always to help people who by reason of circumstances beyond their control are not able to help themselves.

Mr. GLASS. It is all right if the Senator will take his own money to do that, but I deny his right to take mine to do it if I do not want it done.

Mr. BROOKHART. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Iowa?

Mr. COPELAND. I yield.

Mr. BROOKHART. With reference to this constitutional right referred to by the Senator from Virginia, have we not as much constitutional right to do this as we had to appropriate \$24,000,000 for the relief of the Russians?

Mr. GLASS. The chief argument for that was that it was to be used to buy wheat and relieve the wheat situation.

Mr. BROOKHART. It was constitutional, was it not?

Mr. GLASS. No; it was not constitutional.

Mr. COPELAND. Mr. President, I do not know any reason why we should get excited when we are trying to help the farmer. I hope Senators will not get excited over it. I will admit at once that this is a makeshift measure—

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. I yield to the Senator from Kentucky.

Mr. STANLEY. Mr. President, I did not have the pleasure of hearing the argument of the Senator at length. I heard him state, however, that this appropriation is justified on the ground of imminent peril or public necessity. Will the Senator state just what the imminent peril is?

Mr. COPELAND. The peril of bankruptcy and the peril of human suffering incident to it. That is peril enough to justify me in the position I take.

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER. The Senator from New York declines further to yield.

Mr. COPELAND. I have given about 20 minutes of my time already. I want to say that I consider this a makeshift measure, but a very necessary one under the circumstances. It does

not go to the root of the trouble. The reason why these farmers have no markets for their products is that a Republican administration has failed to find a way to rehabilitate Europe, so that the markets and commerce of the world might be re-established.

I had occasion last year to go up to the Russian border in Poland to study health conditions. When I got to Warsaw I found the Government knew I was coming, and they did everything they could to make it pleasant for me. They assigned a member of the cabinet to look after me. Of course, at the present time, if a member of the cabinet were assigned to look after a United States Senator, it might cause some criticism; but it went all right then.

This cabinet officer placed at my disposal a private car, not the kind of a car Harry Sinclair rode in when going down to Three Rivers, N. Mex., but if you will imagine the caboose of a freight train you will have a good idea of my car. To make a farmer from New York feel entirely at home they put a Ford automobile on this car. They gave me a chauffeur, a cook, a servant, an interpreter, and a doctor. That was some retinue for a Democrat to travel with. Then the minister said, "I am sorry that we have no provision for purchasing food. The Government will supply the food and cook it for you, but you will have to pay for the food." I said, "That is fair. I will pay for the food for the party."

I was gone four days on that particular trip, and when I got back to Warsaw I paid off this retinue of servants so liberally that they bowed to the floor in appreciation of my generosity. I paid them, and paid for the food for the entire party, and the whole bill was \$3.50 in American money.

That shows why Europeans can not buy our produce. Until Europe is rehabilitated, until the markets of the world are re-established, we are going to continue to have trouble in this country because of the lack of sale of our products. So I say that that is the fundamental thing and the particular thing in which the Republican Party has failed. In the meantime, we must give the wheat farmers the relief they seek to prevent economic annihilation.

There is a situation in the Northwest which makes it necessary for these people to appeal for relief. I say it is right and proper that this Government should recognize this emergency and should take the necessary steps to make the appropriation asked for in order that relief in this temporary emergency may be afforded.

Mr. GLASS. Mr. President, I want to say just a word, suggested by a remark of the Senator from New York [Mr. COPELAND]. He talks about the obligation of the Government to "take care of farmers." The truth of the business is that for the last four years in the Congress of the United States we have been departing from all proper constitutional considerations and doing things in the name of the farmers which were altogether unusual and mischievous.

When the Senator talks about relief for the farmers I am prompted to inquire what farmers and how many farmers? To better illustrate what I mean, I have in mind now one of the Northwestern States, not to be too specific. There are in that State, all told, according to the last census, 69,000 farmers. The State paid into the United States Treasury \$2,096,000 in 1922.

The State of Virginia has 1,067,000 farmers, or 1,000,000 more farmers than this particular Northwestern State. Virginia paid into the Federal Treasury \$46,900,000 in 1922. I am asked here to vote to further tax the 1,067,000 farmers in the State of Virginia and take the money thus exacted from them for governmental purposes exclusively and appropriate it to the use of 69,000 farmers in one of these Northwestern States.

Mr. BROOKHART. Mr. President—

Mr. GLASS. In a moment. Why are the taxes of my 1,067,000 farmers in Virginia to be appropriated to the uses of these 69,000 farmers in another State? To enable the farmers of this other State to compete with the Virginia farmers in producing poultry and pigs and cattle. Furthermore, more than a million Virginia farmers are to be taxed to loan their money to other farmers in order that those other farmers may charge the Virginia farmers more for the bread they have to eat. So that you catch the Virginia farmer going and coming.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Virginia yield; and if so, to whom?

Mr. GLASS. I yield to the Senator from New York.

Mr. COPELAND. I assume that in Virginia the farmers have mutual fire-insurance companies, and that when one farmer is unfortunate enough to have a fire the farmers who are fortunate and do not have fires contribute a little to help him. I take it that the farmers of the Northwest when they

are restored to prosperity and difficulty comes to the Virginia farmers will be glad to pay their share of the taxes.

Mr. GLASS. The Virginia farmer does not want anything of the kind. Virginia farmers do not want the Constitution of the United States outraged for their advantage. Virginia farmers are not in any such situation as that, and not a great many other farmers are.

Were we to confine ourselves to reading the CONGRESSIONAL RECORD we should conclude that in at least one State the three major industries are insane asylums, almshouses, and cemeteries, because the population so often has been described as having been impoverished by the policies of the Federal Government and driven to suicide or insanity.

The farmers of this country generally are in no such situation. Those in my section of the country are not; they are not in many other sections of the country.

In North Carolina there are 1,500,000 farmers. There are nearly as many farmers in that one State as there is population in these four Northwestern States. North Carolina pays into the Federal Treasury, as shown by the last available statistics, \$124,000,000 in taxes per annum.

The taxes of the million and a half farmers of North Carolina are to be appropriated to the uses of a few farmers somewhere else in order that the latter may be given a capital stock to compete with the farmers of North Carolina. As the distinguished Senator from Georgia [Mr. GEORGE] said the other day this is not even socialism. It does not approach in respectability the doctrine of communism. It is special privilege run mad. I am getting tired of seeing, even on this side the Chamber, Senators in the guise of Democracy, professing the principles of Thomas Jefferson, voting to outrage every principle that Jefferson ever avowed with respect to government.

I hold, Mr. President, that taxation primarily, solely indeed, is for the purpose of insuring an effective and economic administration of the Federal Government. When funds are taken for any other use they are being improperly diverted.

Mr. BROOKHART. Mr. President—

The PRESIDING OFFICER. Does the Senator from Virginia yield?

Mr. GLASS. I yield.

Mr. BROOKHART. Are the farmers of Virginia and North Carolina prosperous now?

Mr. GLASS. Are they prosperous?

Mr. BROOKHART. Yes.

Mr. GLASS. They are not making an appeal to Congress for help.

Mr. BROOKHART. That is not an answer to my question. Are they in fact prosperous at this time?

Mr. GLASS. The fruit growers of the great valley of Virginia have had three successive bad years; but they are not coming up to Congress and asking that Congress shall take from the common tax fund, exacted from all the people, any sums for their relief.

Mr. BROOKHART. From what the Senator said, they are really not prosperous in either of those States.

Mr. GLASS. If they are not prosperous, I will tell the Senator why. There is scarcely one product of the farm which today is not quoted in the open market at a higher price than prevailed for that product on the average for 25 years preceding the war.

Mr. BROOKHART. Yes; but—

Mr. GLASS. Just wait a minute. I want to tell the Senator why, if they are not prosperous. I say there is scarcely a product of the farm, from the chickens which we are to supply to these Northwestern States up to wheat or tobacco or cotton or peanuts, or anything else, that is not higher than it was for 25 years preceding the war on the average. The difficulty is that the commodities for which the farmer has to exchange his produce are so unreasonably high owing to the emergency tariff and the other tariffs which the Republican Party fastened upon his farmers of the West.

Mr. BROOKHART. I did not fasten the tariff upon the farmers.

The PRESIDING OFFICER. The time of the Senator from Virginia on the amendment has expired. The Senator has 10 minutes on the bill, if he so desires.

Mr. BROOKHART. I want to ask the Senator a question.

Mr. REED of Missouri obtained the floor.

Mr. BROOKHART. I desire to ask the Senator from Virginia another question.

The PRESIDING OFFICER. The Senator from Virginia has yielded the floor. The Senator from Missouri is recognized. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. BROOKHART. No; it was with the Senator from Virginia on the floor that I desired to follow up with the question I started.

Mr. REED of Missouri. The Senator may ask me the question.

Mr. GLASS. And I will trust the Senator from Missouri to answer the question, too.

The PRESIDING OFFICER. The Senator from Missouri has the floor. Does he yield to the Senator from Iowa?

Mr. REED of Missouri. If the Senator desires to ask me a question, I yield.

Mr. BROOKHART. Relating to the statement of the Senator from Virginia in which he pointed out—

Mr. REED of Missouri. I wish the Senator would ask me a question, because my time is running very rapidly.

Mr. BROOKHART. The Senator from Virginia said the lack of prosperity on the part of the farmer was because of a tax on the products he has to buy and other combinations which have been put upon the farmers. I am in complete accord with that, but I want to even up this thing. I want to ask if it is not fair to even the thing up and let us levy a tax on those profits to take care of the farmers who are in distress?

Mr. REED of Missouri. That is a question we will reach when we get to it. We are not now levying taxes on profits. If the Senator will introduce such a measure I may support it.

Mr. BROOKHART. I shall remember that remark, and I hope to offer an amendment of that kind to the revenue bill when it comes before the Senate.

Mr. REED of Missouri. I will say to the Senator that when we had the battle over surtaxes I voted every time for higher surtaxes than went into the bill on those exceedingly great incomes. We may be in agreement, and then each of us may suspect the other of being wrong because we are in agreement upon that bill.

But let us get back to the question. The Senator from New York [Mr. COPELAND] has discussed the banking situation. He said the banks are all broken in the Northwestern States. This is not a bill to rehabilitate banking. There is nothing said in the bill about establishing new chains of banks. If there was, we would discuss that question.

Mr. BURSUM. Mr. President—

Mr. REED of Missouri. But if the banks are broken—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Mexico?

Mr. REED of Missouri. I yield; but I can yield only a moment, as my time is very limited.

Mr. BURSUM. I merely want to advise the Senator that I have an amendment which I shall propose that will take care of the banks.

Mr. REED of Missouri. When we get to that we will take care of it. It is not here now. I am not a sufficient prophet to tell whether it will ever be here. One thing we do know is that in one of those States, at least, there was some legislation that is believed to have had the effect of destroying many banks. The Senator said the United States Government must keep step with disaster. That was almost his expression. That is to say, if it found there is a piece of foolish legislation that wrecks business institutions or every time people make foolish investments the United States Government must come in and make up the loss. That is a new theory in government. If it were generally adopted in the country, all of us who have gone through the world and made very little money would be able to go in and speculate on everything, and if we lost money the Federal Government would be called on to make up the loss. It is a new system of economics. I think it ought to entitle its author to a species of immortality. I almost said immortality. It would be political immortality.

Then we are told that this is a question of imminent peril and public necessity. This is a singular definition of public necessity, one that never was heard before and that never was found in the book.

It is no definition of public necessity that will cover the question of the farmers of a certain section having failed to raise pigs when they ought to have raised pigs according to the theory of the bill, and that that creates very imminent peril or public necessity.

Let us get back to the bill and what the bill proposes to do. It proposes to encourage a system of agriculture not dependent for its success upon wheat alone, but cultivation which would include the raising of livestock, such as dairy and beef cattle, hogs, sheep, poultry, and the products thereof. It also proposes that the Secretary of Agriculture may purchase such livestock and supply the same to the borrower at cost, such advances or loans or sales to be made upon such terms and

conditions and subject to such regulations as the Secretary may prescribe.

Mr. President, why have these farmers in the Northwest not diversified their industry? I do not know, but I will undertake to say that you can take the average farmer of any one of those Northwestern States and he knows better what to plant in his field and what to raise on his farm than all the Congressmen assembled in Washington know. I will undertake to say that his wife knows more about that than all the Congressmen know. I will undertake to say that his freckled-faced 14-year-old boy knows better what to raise to make money on those farms than all the men in this Chamber know. If you are going to establish yourselves as wet nurses for the farmers of this country, some of you had better qualify a little and know something about it. Men are here proposing to tell the farmers of the Northwest that they have not been raising the right kind of crops, that they have not been raising the right kind of chickens or pigs or calves. Men are undertaking that who never saw North Dakota, who never stuck a plow in the ground in their lives, who do not know whether they raise spring wheat or winter wheat in that country, who could not tell a crop of prairie grass from alfalfa, and who would require a guide to take them through any country lane to keep them from running into hedge fences. It is utterly absurd and ridiculous. [Laughter in the galleries. The Chair rapped for order.] Has my time expired or are the occupants of the galleries misbehaving? I am endeavoring to behave myself.

There never was a more absurd thing in the world than for the Congress of the United States to try to tell the people of the great Northwestern States what they ought to raise, yet that is the purpose of the bill. Then it is proposed to turn over to the Secretary of Agriculture the purchase of this stuff. Now, I question whether the Secretary of Agriculture himself could tell a Jersey cow from the Holstein at a rough guess.

Mr. KING. He knows how to milk them, we are told by the newspapers. He had a milking contest with the Senator from Minnesota [Mr. JOHNSON].

Mr. REED of Missouri. I have the greatest feeling of friendship for the Senator from Minnesota. I understand he can qualify as a milker of cows, but he now appears—

Mr. JOHNSON of Minnesota. I wish to inform the Senator from Missouri that the assertion was a newspaper assertion.

Mr. REED of Missouri. But whether the Senator from Minnesota can milk cows or not, he is here with a bill proposing to milk Uncle Sam dry. That is what the proposition is. I do not know whether the Senator can milk cows or not. I have the utmost friendship for him. I heard some ridicule indulged in here before he came, but it has all ceased since he came. I like to have that part of the country represented by men who can represent it, and I think the Senator is doing a very good job.

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kentucky?

Mr. REED of Missouri. I yield.

Mr. STANLEY. Surely the Senator does not mean to intimate that these statesmen are not milkers, whether of a Holstein cow or anything else?

Mr. REED of Missouri. They are very good milkers when they are undertaking to milk the Federal Government.

Think of the absurdity of it. Here is a man who has farmed all his life. He has gone into the Northwest, and he has studied the soil and has studied the climate. He is not a fool. He may have struck bad crops and hard times, but he is not a fool. He is an intelligent man. He saw fit to raise particular crops because they would be best in that community and in that country. He could get the best out of it. Then the Senate proposes to legislate here that he ought to have been raising something else. That farmer you are talking about could sell you a spavined horse or a moon-eyed horse or a poll-evil horse and you would think you had got a thoroughbred until you tried him out. That same farmer could turn over to you a cholera-infected pig; you would buy it; and when you ate the bacon you would not know what you were eating. You simply propose to sit up here and undertake to tell people what they shall raise on their farms. I say it is an insult to their intelligence, and it is an insult to the intelligence of this body to undertake it.

The PRESIDING OFFICER. The time of the Senator from Missouri has expired.

Mr. JOHNSON of Minnesota. Mr. President, I should like to answer the Senator from Missouri. I do not want to compare myself with that able Senator, because he has been down

in his own State campaigning and practicing up. I want, however, to inform him of the reason why the farmers of the State of North Dakota are hard up. A former Member of this body for many years—the late Senator Gronna, of North Dakota—I remember well at a convention held in the city of St. Paul informed us that he went home from the Senate because there was a call to raise more wheat in order to feed the boys across the sea. Senator Gronna made the statement:

I went home and I ripped up 14,000 acres of soil in order to raise wheat.

The Senator from Virginia [Mr. GLASS] compared the number of farmers in North Dakota with the number of farmers in Virginia; I understand, though I am not sure, that the average size of a farm in North Dakota is 480 acres. There would not be so many farmers in Virginia if they had such large farms.

The farmers of the Northwest, as Senators all know, began raising grain. Here, however, is one thing that the Democrats on the other side do not wish to touch upon; that is, that the wheat which the farmers of that region grew was raised at a fixed price, a maximum price, if you please. Therefore when they raised those millions of bushels of wheat they did not get an honest and fair return for their labor.

I wish, so to say, to back up the statements of the able Senator from New York [Mr. COPELAND] when he got after the Senator from Georgia [Mr. HARRIS] when he spoke a day or so ago. He did not, however, say one thing about the banking situation in the great Northwestern States. Let me review the situation there. As I stated the other day, the farmers of the State of Wisconsin and those in probably 65 per cent of the area of the State of Minnesota are not down here asking for any relief. Why should they do so when they are in the dairy business? And if the wheat farmers in other sections of the State of Minnesota were in the dairy business, as are the people in the section where I live, neither would they come down here asking for this relief. However, let us go across the river into the State of North Dakota and then into the State of Montana, and we shall find that the citizens from those States are here asking for relief, because they have been raising wheat.

The Senator from South Dakota is not here, but repeatedly before the committee he said, "This bill has nothing to do with my own State." I read his own statement before the committee or the statement in his speech on this floor just the day before he left for the campaign in his own State, that "We raise five bushels of corn to every bushel of wheat which we produce in the State of South Dakota." If that were the condition in other sections of the Northwest, everything would be all right there, too.

However, referring to the banking situation, it may be said in some quarters that because a certain political party has been running wild in North Dakota the banks are broke. But that can not be said of Montana and other States, particularly New Mexico, where a greater percentage of banks are broke than even in the State of North Dakota, as Senators on the other side of the Chamber will realize if they will look up the figures.

I stated on the floor of the Senate the other day, and I repeat it now, that I had promised the people that I would not attempt to come down here to ask for more credit, for we already have too much credit; but the banks are in the position that they can not loan one dollar, because they are already overloaned. This bill will enable the farmers to buy three or four cows apiece, and if they milk the cows there will be something for the farmer and his family to live on anyway. That is the reason that I am for the pending bill, and I hope it will be passed.

I understand that the Democrats are a little bit afraid that if the bill passes the Republican Party is going to profit somewhat by it. I have not any interest in that matter, so to say; I do not care what happens to the Republican Party, because I do not belong to the Republican Party. [Laughter.] I should like to see the Republican Party get in just as bad as it possibly can, so we can lick them with a third party at the next election. [Laughter.]

Mr. BRUCE. Mr. President, I expect to vote for the amendment offered by the Senator from Montana [Mr. WALSH] to this bill; indeed, I have already done so, and I shall do so again when it is taken up in the Senate after having been disposed of by the Senate as in Committee of the Whole. I voted for that amendment because if the enormous sum of \$50,000,000 is to be applied to agricultural conditions in the Northwest I think it would be better that it should be applied by the agencies which the Senator from Montana has suggested than by the Secretary of Agriculture. I shall vote also for the amendment offered by the Senator from Nebraska [Mr.

HOWELL] because unquestionably if there are to be transactions between the Government and the farmers of the Northwest under the bill it is safer for the Government that those transactions should assume the form of conditional sales rather than that of mere hypothecations.

To the bill itself, however, Mr. President, I am inflexibly, irreconcilably opposed. If it stood alone it might not have the significance to me that it has. It might then be set down simply as an exceptional aberration from sound principles of public policy to say nothing of sound constitutional principles. But it does not stand alone; and when connected up with the bills of one sort or another now pending in the Committee on Interstate Commerce looking to the Government ownership of the railroads, and with the McNary-Haugen bill, and the Norris bill, and other measures of that character which contemplate a still larger participation by the Government in the private business of the individual, it points with the iron finger of fate to a steady drift upon the part of the Northwestern States of the Union toward State socialism.

It has often been observed that in modern times when a people fall away from Catholicism they do not go over to Protestantism, but to agnosticism or some other form of religious indifference or negation. So the Northwestern States, which were so long and inveterately wedded to the Republican Party, are not gravitating to the Democratic Party; not at all; they are moving, and steadily moving, as I have said, in the direction of some form or other of civil polity socialistic in its nature. They may be doing it unconsciously, but, all the same, they are being drawn in that direction more and more rapidly as time goes on. That is the reason why ever since I have occupied a seat in the Senate I have been unwilling, as I shall continue to be unwilling, to form any alliance of any sort with the representatives generally in this Chamber of the Northwestern States. For many of these gentlemen I entertain the warmest regard personally, and I have a sincere respect for their personal virtues and talents; but their bloc is not inclining to the Democratic Party and is wandering away further and further from the Republican Party. The regular Republicans on the other side of the Chamber have had the good sense to adjust their relations to them accordingly, and the Democrats in this Chamber should imitate the example of these Republicans.

I for one believe that the economic depression in the Northwest has been grossly exaggerated; or, if not grossly exaggerated, at least very much exaggerated. Did I not point out here only a day or so ago, when with the aid of the chart hanging upon that wall the able Senator from Nebraska [Mr. NORRIS] was about to proceed with his lecture, that in 1923 the ordinary savings-bank deposits in the State of North Dakota increased from \$9,000,000 to \$12,000,000? Did I not also point out that in the same year the number of automobiles in use in the State of North Dakota increased by 10,000? Only to-day the Census Bureau has given us a report as to the increase of wealth in some of the Northwestern States during the decade ending with the close of 1922? What does that report show? We hear the State of Montana spoken of as if it were poverty stricken and had the right to apply here for pecuniary relief in forma pauperis, like some poor, indigent suitor who goes into a court in that character because he is unable to employ counsel at his own expense. Yet the figures just given out by the Census Bureau show that in the decade just mentioned by me the total value of property in the State of Montana nearly doubled, having increased 98.2 per cent. In Iowa the increase was 37.2 per cent, in Minnesota 58.9 per cent, in Nebraska, 44.2 per cent, in Oregon 68.3 per cent, and in Colorado 40.9 per cent. I take these figures from the Washington Evening Star of yesterday; and I might have gone on the other day and pointed out that, with an exception or so, in every one of the Northwestern States that are supposed to be in such a terrible plight the ordinary savings-bank deposits were handsomely augmented in the year 1923.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BRUCE. I should be glad to do so, but, as the Senator knows, I am limited in point of time, and interruptions are counted up against me. But for that I should be glad to yield.

The PRESIDING OFFICER. The Senator from Maryland declines to yield.

Mr. BRUCE. So I say conditions in the Northwest, in my opinion, have been very much exaggerated. But suppose they are as bad as they are represented as being; is that any reason why the fundamental principles of our Government should be violated? Is that any reason why the people of the Northwestern States should not rely more upon their own exertions and less upon Government patronage? As the Senator from Connecticut [Mr. McLEAN] pointed out a few days ago, New England is the one section of the United States in

which not a few farmers have actually abandoned their farms, because they could make nothing out of them; but did we see the New England farmer, that sturdy individual, who has been relying from the beginning upon his own individual efforts to make his own fortune, apply for Government relief? No; he entered some other industry, or migrated to more fertile lands than those of New England, or got down still more closely to the task of making his New England farm pay, breathing the spirit of Emerson's words as he did so:

My garden is the cloven rock and my manure the snow.

The PRESIDING OFFICER. The Senator's time has expired on the pending amendment.

Mr. BRUCE. Then I will continue on the bill.

The PRESIDING OFFICER. The Senator has 10 minutes on the bill.

Mr. BRUCE. Very well. So with the Virginian farmer, to whom the Senator from Virginia [Mr. GLASS] so eloquently referred. I was executor for a Virginian farmer in the year 1896. I sold corn that year, as I remember, for 40 cents a bushel, and wheat for 60 cents a bushel. I sold on one occasion 96 sheep of all ages for the sum of \$1 a head on the farm of the decedent; but did the farmers of Virginia then whimper and whine or look to anything but their own honest, laborious exertions for their salvation? Did they come to the Government and ask the privilege of applying their lips to its teats? Did they claim that the Government was a sort of free dispensary, a kind of eleemosynary institution to which resort was to be had whenever there was more or less passing agricultural distress? They did not. The trouble with the people of the Northwest is that they have had not too little but too much done for them by the Government.

The Northwest was hatched out in the very beginning by the warmth of an artificial incubator. The farmer in that region obtained his lands from the Government at a nominal or very low cost; he had railroad transportation furnished to him largely by Federal and State bounties.

More recently has come along the era of governmental price fixing and of tariff duties, imposed for the alleged protection of the agricultural products of the farmer, and in the Northwest the farmer has fallen into the fatal habit of relying upon Government patronage in all his difficulties.

Some years ago Bill Nye, the humorist, said that the people of the United States consisted of two classes—those who depend on work for a living and those who look to legislation and their wives' relations. The vice of the Northwest is that it is too much in the habit of looking to legislation and its wives' relations—that is to say, the other States of the Union and their tax resources—for aid in the ordinary vicissitudes of human energy.

This bill is just another step in the progress of State socialism. It will do no lasting good even to the people of the Northwest. A few days ago I received one of the best letters that I ever read in my life from an old resident of North Dakota. He knew what the situation in the Northwest really is.

One of its misfortunes, he said, was that there had been a great influx of immigration from Europe into that region that was deeply tinctured with European socialistic ideas, though he did, I am glad to say, have the candor to add that many of these immigrants were very fine citizens, indeed, an opinion which I heartily share.

In my opinion the inevitable tendency of this bill, if it goes into effect, will be to impoverish the spirit of the people of the Northwest, to sap those habits of self-reliance which made the early history of our great West one of the grandest epics in the history of the human race, and to destroy those principles of individual initiative, individual energy, and individual ambition upon which the splendid structure of American progress, prosperity, and happiness has been reared.

So, as you see, Mr. President, I am not so much disposed to look at the details of this bill as I am to look at the underlying political tendencies which characterize it, and which to my mind establish the fact that in a short time the struggle in this country will be not between the Democratic and the Republican Parties so much as between the conservative elements of our American population and those which are sometimes termed progressives and sometimes radicals. Should a truly momentous conflict arise between these antagonistic elements, I care not what you call me, Republican, Democrat, or what not, I will be found with the party which shall entrench itself behind the ramparts of the Federal Constitution and the distinctive American ideas and ideals to which we owe all our greatness as a nation.

Mr. ADAMS. Mr. President, I am among those who are very much distressed over this particular legislation. I find myself fearful lest my vote should cause me to be thought to

concur with the arguments of those who vote as I do. There are some in the Chamber who seem to feel that nothing new has been discovered since 1776. They seem to think that this is a day to protect the hitching posts along the highways, notwithstanding it is the day of automobiles.

Out in our mining country we have a story of a card game when one of the players had from time to time slipped a card into his boot until he had accumulated four aces, and then, finding an opportune time, put his whole pile on the table and reached for the hand in his boot, and found that some one had seen him and had taken it out; and he said, "Here, I will not play in this game; it is not on the square."

Senators come on the floor here and say that the trouble with the Northwest is that legislation has done too much for the Northwest. I concur with them when they say that the plight of the farmers in the Northwest to-day, as I see it, is primarily due to Congress, primarily due to the fact that Congress has done too much to them. The plight of the farmers in the Northwest is due to Congress, and Congress owes something to the farmers to make restitution for what it has done.

It is perfectly useless to say that it will lead into paternalism. It is perfectly proper for Congress to tax me, to tax my neighbors, through tariff taxes, in order to benefit some manufacturer or some man along the shores of the Atlantic. It is absolutely wrong when Congress seeks to tax the man along the Atlantic for the benefit of the farmer. In other words, the policy that the Government founded and has carried on in its tariff policies and in its foreign-relations policies has resulted in the present unfortunate economic condition in the Northwest. A fictitious value has been placed upon those things which the farmer must buy. He is denied his market, and that is the act of Congress. It is well enough to talk of fundamental principles, and if it can all be put upon an equality I will agree with the Senator from Maryland [Mr. BRUCE]; let us not use the taxing power for the benefit of any man, but when you use the taxing power to destroy one man do not come back and say the Government should not step in and help him.

Unfortunately my situation is this: I think an obligation rests upon Congress to do something for the farmers, not only of the Northwest but of all the West, including my State; but I do not think that this particular bill is accomplishing it in the right way. I do not believe that it is reaching the problem. I am disappointed that the men who advocate this measure are unwilling to put their finger upon the real cause and say to us, "Let us give temporary help, and then let us remove the real cause. Let us take down the tariff walls. Let us take down the barriers to international trade." When they say that, I will go with them as far as necessary to meet an emergency. If the Northwest needs help, I will vote it. I differed with them when they refused to eliminate from this bill help for 1925 and 1926. That indicates some lack of comprehension of the emergency. I will go as far as possible to help in an emergency. I come from a State which was stricken with catastrophe some years ago, and Congress came to the rescue of my community. They voted the taxpayers' money for my flood-stricken community, and when an emergency strikes in other parts of the land I am prepared to reciprocate.

This bill, however, is a badly drawn bill. It is a badly conceived bill. It has been carried on beyond the point to which it ought to go, and I am being driven into voting against it, I am afraid, because of the way in which it is drawn. To-day the friends of the measure refused to put the administration of it in the hands of what I think are the more efficient administrators of the Government. So, differing absolutely with those who oppose the bill upon the so-called grounds of constitutionality, I fear that I shall be compelled to vote against it because of its form, because it has not been kept within its proper scope as a measure for immediate relief.

Mr. STANLEY. Mr. President, this bill aptly illustrates the extent to which we have gone in the perversion of public funds and in the use of the taxing power for the purpose of helping Tom, Dick, or Harry whenever and wherever the need may arise.

I have been literally amazed at the reasons given for the passage of this bill. For instance, the Senator from New York [Mr. COPELAND], in response to a question, said that he favored the bill on the ground of imminent peril and urgent necessity. Whether you can invade the constitutional rights of the citizen or stretch the tether of the Government even under the excuse of imminent peril and urgent necessity I am very much inclined to doubt. Imminent peril implies a peril that is at hand and limited in time. An imminent peril can not abide for weeks or months. Urgent necessity means something that is here now, that must be done forthwith and before you can take time to

invoke the orderly methods of government, before you can take time to grant the relief without violation of constitutional limitations. Under the excuse of imminent peril and urgent necessity when the earth shook San Francisco into ruins, when the sea enveloped a Texas city—Galveston—in its hungry maw, Congress made a small appropriation, because we thought the necessity was such that the example would not be pernicious; but that was the camel's nose.

I ask the Senator from New York, what is his ground? He says "urgent necessity." What, Mr. Senator, is the imminent peril or urgent necessity? He says the farmers are in imminent peril of losing money, that there is urgent necessity to save them from financial disaster. Is there any man engaged in business in the United States who does not face imminent peril of losing money? Was there ever a time when more or less of us were not in financial distress? One wiser even than the junior Senator from New York declared that the poor we have always with us. That was 2,000 years ago, and they do not seem to have decreased any in the Northwestern States.

The Senator from Minnesota [Mr. JOHNSON] makes an argument even more startling in favor of this bill than the argument of "imminent peril" and "urgent necessity." The Senator from Minnesota tells us that, of course, the farmers in Virginia do not need any help, that they have only about 50 acres of land apiece, but he says, "We have 600 acres apiece in Minnesota, and who can run 600 acres without Government aid?" If they had 6,000 acres they would be utterly and hopelessly gone.

Mr. JOHNSON of Minnesota. Will the Senator from Kentucky yield?

Mr. STANLEY. Certainly.

Mr. JOHNSON of Minnesota. I wish to inform the Senator from Kentucky that the bigger the farms in North Dakota and Montana to raise wheat on, the worse off they got. If they had a small farm, they did not lose so much money.

Mr. STANLEY. I understand thoroughly; and they have all big farms—

Mr. JOHNSON of Minnesota. If you have a small dairy farm, you can make a living—

Mr. STANLEY. Exactly.

Mr. JOHNSON of Minnesota. Because the corn bill and the labor bill and everything will be low. I am willing to give the Republicans credit for putting up the tariff under which we had to buy our machinery.

Mr. STANLEY. Think of it! We are irrigating lands, we are turning over hundreds of thousands of acres, and the more land they get, the more we will have to pay to keep them on it, and to keep them up. Think of it! In my State a hundred acres is a good farm. It will take 10 Kentucky farmers, ground to earth by taxation, to keep one farmer going in the Northwest, if he happens to have a little farm of a thousand acres, or 600 acres! That, with all due respect to the able Senator from Minnesota, is a reductio ad absurdum.

[Mr. SHIPSTEAD addressed the Senate. His speech is published entire beginning on page 4078.]

The PRESIDING OFFICER. The question is on the amendment offered by the senior Senator from Montana [Mr. WALSH].

Mr. CURTIS. Mr. President, I wish to submit a unanimous-consent agreement.

Mr. NORRIS. Will the Senator from Kansas withhold that for just a moment and let us vote on the amendment? I do not think there is any objection to it. It is to modify the second paragraph.

Mr. CURTIS. I am willing to withhold my request until after the vote.

The PRESIDING OFFICER. The question is on the amendment offered by the senior Senator from Montana.

The amendment was agreed to.

Mr. CURTIS. I ask unanimous consent that after the hour of 1 o'clock p. m. on the calendar day of Thursday, March 13, 1924, no Senator shall speak more than once nor longer than 10 minutes upon the bill S. 2250 and more than five minutes upon any amendment offered thereto.

Mr. ROBINSON. Is the Senator satisfied that it is impossible to complete consideration of the bill to-day?

Mr. CURTIS. I am. I expect to ask unanimous consent also that when we conclude the business of the Senate to-day we shall take a recess until 12 o'clock to-morrow, so that we can let the bill be considered from 12 o'clock on. That would give us an hour with the 10-minute limit on debate, and for the balance of the time we would have a 5-minute limit on debate.

Mr. ROBINSON. I should very much prefer, having had such prolonged discussion of the bill, to fix a time at which to

vote, but I am informed that the arrangement can not be effectuated, so I make no objection to the request of the Senator from Kansas.

Mr. CURTIS. I have tried to bring about that agreement, but there are two or three Senators who object to fixing a time to vote.

Mr. JONES of New Mexico. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from New Mexico?

Mr. CURTIS. I yield.

Mr. JONES of New Mexico. I have frequently discussed just such proposals before, and I do not believe that we have ever had an instance which more clearly demonstrated the importance of limiting the time for discussion and limiting the extent of speaking, but at the same time not fixing a time for voting.

Mr. ROBINSON. The difficulty in not fixing a time for a vote is that under which the Senate is laboring now. A number of Senators are compelled to be absent from the Chamber to attend committee meetings. That is the principal reason why we can not vote this afternoon, no arrangement for a vote having been effected. The same condition will in all probability exist to-morrow, but I make no objection to an agreement such as is proposed, since the time for the final vote is not to be fixed.

Mr. JONES of New Mexico. I think the distinguished Senator from Arkansas can hardly insist upon what he just said as an argument that limiting debate causes Senators to stay in the Chamber. I think that is one function that the limiting of debate performs.

Mr. ROBINSON. We are laboring now under a very reasonable limitation on debate, the limit being 10 minutes, and yet a large number of Senators who are interested in the bill are absent from the Chamber, because they are attending committee meetings. I am not saying that limitation on debate does not ordinarily attract Senators into the Chamber. But I make no further point about the matter. An agreement to vote can not be reached, so let the agreement be entered into, unless the Senator from New Mexico desires to object.

Mr. JONES of New Mexico. I simply want to suggest that I have never listened to a debate on any bill which has really brought out more information than the debate upon the pending bill. It has been debated in thorough earnestness on both sides of the Chamber, and I do not think such debate as we have been listening to on the bill is at all harmful to the Senate or harmful when we consider the information which the country will obtain from it. That is the reason why I am unwilling to agree to a time when the vote shall be taken. If the Senator from Montana had offered his amendment this afternoon under such an agreement, there would have been no opportunity even to explain the amendment after the hour for voting arrived. I do not know what other amendments may be proposed to the bill. Certainly we ought to have a short time in which to hear the explanation of amendments which may be offered and to discuss such amendments in at least a brief way.

Mr. NORRIS. As I understand, the proposition of the Senator from Kansas does not conflict with the idea of the Senator from New Mexico. The only difference is that he proposes to change the limitation after a certain time from 10 minutes to 5 minutes. That will be sufficient time to make the explanation which the Senator from New Mexico has in mind.

Mr. JONES of New Mexico. I understand; but I also understand that I was the person referred to by the Senator from Arkansas when he said they were unable to get an agreement for a time to vote.

Mr. ROBINSON. The Senator from New Mexico is laboring under a misapprehension. I had no information that he had expressed any view upon the subject. My information was that another Senator, a Senator on the other side of the Chamber, objected to fixing a time to vote.

Mr. JONES of New Mexico. I am willing to recognize the old proverb that a guilty conscience needs no accuser. I did tell the Senator from Kansas that I could not agree to fixing a time to vote.

Mr. NORRIS. I do not want the Senator from New Mexico to get the idea that I was criticizing him for objecting. I think that when we fix a time to take a vote and without debate must vote on all amendments that may be offered—and there may be a hundred of them offered—it is a very unfortunate way to legislate. I have felt many times that I never would consent to that kind of a unanimous-consent agreement again, but we will be driven to it unless, as the debate proceeds, we narrow down the length of time for the speeches of Senators. First, on the bill for several days there was no time limit on speeches. Then we have had two or three days limited

to 10-minute speeches. It seems to me it is a very reasonable proposition that now, commencing at 1 o'clock to-morrow on a bill which we supposed would be disposed of two or three days ago, the limit should be put at five minutes.

Mr. JONES of New Mexico. I do not object to the request of the Senator from Kansas.

The PRESIDING OFFICER. The Secretary will read the proposed unanimous-consent agreement submitted by the Senator from Kansas.

The READING CLERK. The Senator from Kansas proposes the following unanimous-consent agreement:

It is agreed by unanimous consent that after the hour of 1 o'clock p. m. on the calendar day of Thursday, March 13, 1924, no Senator shall speak more than once nor longer than five minutes upon the bill (S. 2250) to promote a permanent system of self-supporting agriculture in regions adversely affected by the stimulation of wheat production during the war and aggravated by many years of small yields and high production costs of wheat, and five minutes upon any amendment offered thereto.

The PRESIDING OFFICER. Is there objection to the request submitted by the Senator from Kansas? The Chair hears none, and it is so ordered.

Mr. CURTIS. I now ask unanimous consent that when the Senate conclude its business to-day it take a recess until 12 o'clock to-morrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. WILLIS. Not in the nature of an objection, but I wonder whether the Senator from Kansas has forgotten the notice given by the Senator from Massachusetts [Mr. Lodge].

Mr. CURTIS. I have not forgotten it. I spoke to the Senator from Massachusetts, and he will give the notice for some other day.

The PRESIDING OFFICER. Is there objection to the request submitted by the Senator from Kansas? The Chair hears none, and it is so ordered.

Mr. TRAMMELL. Mr. President, we are now, as I understand, considering the bill under the 10-minute rule?

The PRESIDING OFFICER. The 10-minute rule prevails until 1 o'clock to-morrow afternoon.

Mr. TRAMMELL. If there is no amendment now pending—

The PRESIDING OFFICER. There is no amendment pending.

Mr. TRAMMELL. I desire to offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Florida will be stated.

The READING CLERK. On page 1, after line 2, it is proposed to strike out the first section of the bill, as follows:

That it is hereby declared in the public interest that conditions existing in those portions of the United States known particularly as the wheat areas resulting from the stimulation of wheat growing during the recent war and aggravated during subsequent years by low yields and high costs of production should be changed through the encouragement of a system of agriculture not dependent for its success upon wheat alone, but cultivation would include the raising of livestock, such as dairy and beef cattle, hogs, sheep, poultry, and the products thereof.

Mr. CURTIS. May I ask if the Senator's amendment is a motion to strike out?

Mr. TRAMMELL. My amendment proposes to strike out section 1 of the bill; that is the substance of the amendment.

Mr. President, my idea in offering the amendment is to try to shape the proposed legislation into such form that it will afford aid and relief to the farmers throughout the country who may be in a situation similar to that which is pictured as being the situation of the wheat farmers of the Northwest. I am always sympathetic with the interests of agriculture and of the farmers of our country, but I can not persuade myself to occupy a position of favoritism in behalf of a few farmers and at the same time close the door for aid to a far greater number of farmers who have suffered as much as have those in the three or four States of the Northwest, and deny to them the beneficent provisions contemplated to be enacted in the pending measure. That is the whole situation.

Mr. President, I do not think the man is any greater friend of the farmer who would contend that a few of them should have relief than is the man who, upon the other hand, contends that if we are going to assist the farmers we should be just and equitable and that we should aid all farmers who may occupy a similar unfortunate position. Some of our friends are inclined to argue here that because a Senator does not see

their viewpoint of assisting a few farmers of the country and discriminating against the many farmers of the country he is not sympathetic toward the farmers and the agricultural interests.

I dare say that in any of the agricultural States of the Union there will be found about as many farmers who need assistance for the purpose of diversifying their crops as may be found in any one of the States of the Northwest for the benefit of whose farmers it is contemplated to vote the relief carried in the pending bill. For my part, I do not feel that the farmers of my State should be taxed for the purpose of raising money to assist farmers of another section when the proponents of the bill are not willing to extend the same privilege of a loan or an advance to the farmers of my State, even though they may be in a similar situation. I think my position is but similar to the attitude of a good many Senators who do not approve of this bill in its present form.

We are for all the farmers who need help that they may diversify their crops and not merely a few of them. Yesterday we sought to have an amendment written into the bill which would appropriate \$25,000,000 to assist unfortunate farmers in other sections of the country, and yet those Senators who advocate the measure in its present form were responsible to a large extent for the defeat of that amendment.

Mr. President, the champions of this bill and of the policy it embraces turn their stony hearts to the millions of farmers in other sections of the country who are as unfortunate, who have suffered as much as a result of the misfortunes of war as have the few farmers within these three or four wheat-producing States and say to them, "We are only taking care of the favored few; you stand without the pale; you are not to be recognized." If those Senators take that position, how do they expect other Senators who are friendly to agriculture and to the farming interests to assist them in securing an appropriation of \$50,000,000 in order to aid those few farmers? I think we should deal alike with all of the farmers who are equally unfortunate, and when we come to write a measure for the purpose of making advances and loans to the farming interests in order that diversification of crops may be instituted we should make the provisions of the measure broad enough to cover the situation in the different States.

Throughout my public career I have, in season and out of season, worked to promote the interests of agriculture. I am for the farmer; I am for the agricultural interests of the country; but in manifesting my love and my friendship for agriculture and for the farmers of the country I do not propose to tax a hundred farmers for the purpose of assisting one farmer. If the question is to be raised as to who is the farmer's friend and who is the friend of agriculture I say that the Senator who votes for the bill in its present form is opposing the interests of one hundred farmers to assist one farmer. I prefer being fair and just to all.

You who want this bill as it is now written, by your position say to the great majority of farmers: "You may be as unfortunate as those we favor; you may have suffered as the result of war; you may need funds with which to diversify your crop, but we are not going to allow these privileges to the farmers of New York, of Illinois, of Indiana, of Missouri, of California, of Texas, of Arkansas, of Georgia, of Florida, of Alabama, or of Mississippi, and many other States. You may have had similar misfortunes; you may need funds with which to diversify your crops, but we do not propose to let you have them. Your part in this game, Mr. Farmer, in these other States is to help pay the freight, to help raise the taxes, and to provide the funds in order to let these other farmers have \$50,000,000."

I do not favor any such measure of discriminatory legislation. Unless the bill be so amended as to treat alike all farmers who are similarly situated, who have suffered the misfortunes of war, who have had their plantations devastated, who are suffering for those and other reasons, I shall vote against it; and I think the real friend of the farmer should vote against it.

The PRESIDING OFFICER. The time of the Senator from Florida has expired. The question is on the amendment proposed by the Senator from Florida.

The amendment was rejected.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole, and open to amendment.

Mr. BURSUM. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The PRINCIPAL CLERK. On page 7, after line 4, it is proposed to insert the following as a new section:

SEC. 7. For the purpose of stabilizing banks and trust companies in aid of agriculture, restoring public confidence within agricultural communities or States where such confidence has become impaired, there is hereby appropriated out of any funds in the Treasury the sum of \$20,000,000, or so much thereof as may be necessary, to be used in the manner hereinafter provided and hereby made available until June 30, 1925.

SEC. 8. That the Comptroller of the Currency is hereby authorized to use the moneys so appropriated for the purpose of stabilizing banks and trust companies within agricultural districts, States, or communities wherein public confidence in such financial concerns has become impaired on account of conditions beyond their control—

a. In the making of loans or advances to solvent banks and trust companies whether or not members of the Federal reserve system, upon such terms, conditions, and security as he may deem proper in order to secure continued stability and operations of such banks and trust companies.

b. In the making of loans or advances in aid of the reopening of any bank or trust company closed during the year 1923 or subsequent thereto, whenever in the judgment of the comptroller such reopening is in the interest of the community to be served and can be accomplished upon a safe and solvent basis, such loans to be made upon such terms and conditions and upon such security as the comptroller may require.

c. In the deposit on demand or time in such unimpaired solvent banks or trust companies of such amounts as he may deem advisable in pursuance of the purposes of this act.

d. In the making of loans to stockholders upon adequate security for the purpose of repairing the impairment of capital stock of banks or trust companies.

SEC. 9. No loan, advance, or deposit shall be made for a term exceeding 12 months, but the comptroller may grant or accept renewals or extensions: *Provided*, That a complete liquidation shall be had upon all advances and loans within three years from the passage of this act; and no loan, advance, or deposit shall be made in the first instance later than March 31, 1925.

SEC. 10. No advance, deposit, or loan shall be made hereunder to any bank or trust company not a member of the Federal reserve system until such bank or trust company shall first agree to permit audits and investigations and submit to such rules and regulations as the Comptroller of the Currency may prescribe.

SEC. 11. The Comptroller of the Currency is hereby authorized to use of the moneys aforesaid an amount not exceeding \$100,000 for expenses in carrying out the purposes of this act.

SEC. 12. No interest shall be charged or received by the comptroller in excess of the current rediscount rate of the Federal reserve bank of the district within which such loan is made on the date of such loan.

The loans and advances authorized under sections 7 to 12, inclusive, shall, when finally liquidated, together with interest collected, be repaid into the Treasury of the United States.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from New Mexico.

Mr. BURSUM. Mr. President, I suggest the absence of quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Adams	Fess	Lodge	Robinson
Bayard	Fletcher	McCormick	Sheppard
Broussard	Frazier	McKellar	Shields
Bruce	George	McKinley	Shipstead
Bursum	Gerry	McNary	Simmons
Cameron	Glass	Neely	Smith
Capper	Gooding	Norris	Spencer
Colt	Harrison	Oddie	Stanfield
Copeland	Hewell	Pepper	Swanson
Curtis	Johnson, Minn.	Phipps	Trammell
Dale	Kendrick	Ralston	Wadsworth
Dill	Keyes	Ransdell	Walsh, Mont.
Edge	LaGr	Reed, Pa.	Willis

Mr. CURTIS. I have been requested to announce that the Senator from Iowa [Mr. BROOKHART], the Senator from Washington [Mr. JONES], the Senator from New Hampshire [Mr. MOSES], the Senator from Montana [Mr. WHEELER], and the Senator from Arizona [Mr. ASHURST], are absent on business of the Senate.

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum is present. The question is upon the amendment proposed by the Senator from New Mexico [Mr. BURSUM].

Mr. BURSUM. Mr. President, the bill which is before the Senate I consider a good bill. This amendment, to my mind, will greatly improve the bill. It will do more toward rehabili-

tating agriculture than the provisions of the bill which have thus far been considered.

The recapturing of public confidence in the banking institutions of this country seems to me vital. It is vital not only to the depositors who are affected but to the financial system of this country. It is vital to the Federal reserve system. It is vital to our whole financial fabric, upon which are based the credits of the country. The lack of confidence, the distress, is not local. It is widespread. In my State there are probably 60,000 discontented men and women depositors of banks. Multiply that by three and you will have approximately 200,000 people affected out of less than half a million.

That situation does not apply solely to my State. It applies to most of the States west of the Mississippi River. The same condition may be said to exist in Montana, in Idaho, in portions of Washington, in portions of Oklahoma, the two Dakotas, portions of Minnesota, portions of Iowa, Kansas, Nebraska, Arizona, Colorado, and, indeed, it is a very widespread condition. So that, taking into account the number of failures and the number of depositors affected, I think it is safe to estimate that at least 2,000,000 people in this country are affected by the financial condition of the banks.

There are many reasons for the existence of that condition—a combination of reasons which date back to the war. Our system, which we have called the Federal reserve system, and of which almost all of the national banks are members and many State banks are also members, is made up of a three-cornered partnership—the Federal reserve system as the bank of discount, the banks of the country who take over the deposits, and, in the last analysis, the real owners of the moneys and of the capital upon which not only the banks but the Federal reserve system itself depends for its operations, the individual depositors.

It is a strange kind of a partnership. It is a sort of a lead-pipe cinch game, wherein one of the partners absorbs all of the profits while the other partners take the losses. In the last analysis, the depositor is the man who puts up the capital. The man who has nothing to say about the management of these institutions is the man who suffers the losses.

One reason for this, to my mind, is that the policy of the Federal reserve system has not been as broad as it should have been. It has not been as liberal as it might have been. The proposition of any institution making no provision for losses and absorbing nothing but profits is an unfair proposition.

For instance, during the war we had great inflations. The Federal reserve system profited by those inflations. The Federal reserve system did a tremendous business, and reaped a tremendous harvest. Large profits were taken. Out of those profits the Federal Government has received upward of \$160,000,000. In addition to this, the Federal reserve system has built gilded palaces here and there, and expended a very large amount of money. On the other hand, many of the correspondent banks who are doing business with the Federal reserve system are now in distress because they were not in position to absorb the great deflations which were brought about subsequent to the war.

It is not a matter of bad banking or crooked bankers, as some would insinuate, but it is a condition caused by circumstances over which the banking institutions throughout the country had no control and against which they were unable to guard.

Mr. EDGE. Mr. President, I understood the Senator to remark that it is a condition throughout the country which the bankers are unable to control. Do I understand that his amendment applies to any bank in trouble in any part of the country?

Mr. BURSUM. It does apply in any part of the country. This is not a special provision.

The PRESIDING OFFICER. The Chair will notify the junior Senator from New Mexico that his time has expired on the amendment.

Mr. BURSUM. I have not spoken on the bill yet.

The PRESIDING OFFICER. The Senator has 10 minutes on the bill.

Mr. BURSUM. This amendment is not local; it is to apply to the whole country. It is by no means certain that all of the appropriation asked for would be used. Certainly it would not be used if it was not necessary that it be used, and it is proposed that it shall be handled by an agency in possession of an intelligent appraisal of the conditions of every bank in the country—the office of the Comptroller of the Currency.

I submit that there is no agency in possession of an intelligent appraisal of all of the assets of the banks, their neces-

sities in their respective communities, and the possibility of reopening a bank upon a sound and solvent basis other than the office of the Comptroller of the Currency. If we can not trust the comptroller's office, which to-day is passing upon the solvency of banks and passing upon the securities, certifying those banks as being solvent, I do not know to what agency we may trust a matter of this kind.

The proposition that it is important and vital that confidence be restored I take it can not be controverted. Not only the banks of the country but the Federal reserve system, aye, the Government itself, must depend upon the confidence of the people, else we could not function, business could not function; and I say, Mr. President, that when people have deposited their earnings in a banking institution upon the faith that that institution belongs to a sound banking system, they have some rights. I know of instances in communities where half of the population, representing the wage earners, the toilers, the children of wage earners, are suffering to-day on account of the financial situation.

Other things have contributed to bring this situation about. The Treasury Department itself in financing and selling Treasury certificates, carrying on a campaign of solicitation, of propaganda, for the sale of Government certificates, has been the primary cause in many instances of the withdrawing of large numbers of time deposits from the banks throughout this country.

Mr. EDGE. Mr. President, does not the Senator understand—I am sure he does—that if this amendment should be adopted it would absolutely change the fundamental principle of the Government's relation to banking in this country?

Mr. BURSUM. Not at all. This is an emergency measure. It is a measure to take care of an existing emergency. It is proposed for the purpose of stabilizing the present situation, of recapturing the confidence of the public, which has been alienated over a wide area of country, a condition which, to my mind, is threatening the integrity of our whole financial system.

Mr. EDGE. Does not the Senator agree that if the amendment were adopted it would mean that if any bank, through unfortunate investments or on account of its capital being impaired, whatever the reasons might be, suffered loss, it would feel that it could come to the Government, through the comptroller's department, and in some way secure aid?

Mr. BURSUM. Not at all, unless there were individual security to make good the repairment. There would be no chance, otherwise, for any aid.

Mr. EDGE. Of course the amendment would be useless for the purpose for which the Senator is urging it unless money would be available to make up such losses.

Mr. BURSUM. Quite the reverse. It is true that the purpose is to make available money which can be loaned upon property which otherwise would not be liquid and would not be used as security on the public market for obtaining moneys in that regard and for that purpose.

Mr. EDGE. If there are liquid securities, there is reasonable banking opportunity to rehabilitate the capital and financial condition of a banking institution.

Mr. BURSUM. If a bank were in possession of liquid securities and the capital of the bank itself were unimpaired, of course that kind of an institution would not be in need of the relief; but many of these institutions might be relieved from the loss due to impairment, and the depositors thus saved. I am not so much concerned with the bankers. I have no particular concern for any individual banker, but the purpose of this is to save the institution itself in behalf of the depositors. The depositors have some rights. Whence does the Federal reserve bank derive its capital except from the depositors all over this country?

Mr. SHIPSTEAD. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Minnesota?

Mr. BURSUM. I yield.

Mr. SHIPSTEAD. We are informed that recently there has been formed a \$10,000,000 so-called service-banking corporation.

Mr. BURSUM. Yes.

Mr. SHIPSTEAD. And that the War Finance Corporation has promised to advance \$100,000,000 of Government funds to that banking corporation.

Mr. BURSUM. Yes.

Mr. SHIPSTEAD. We are also informed that the purpose of the formation of this banking corporation, which is to receive a hundred million dollars of Government funds, is to help out banking institutions in agricultural communities, and so help the farmer. I would like to ask the Senator from New Mexico if his banks could not get a part of that hundred million dollars?

Mr. BURSUM. No; nor could the banks in the Senator's State, for the purpose for which it is required. I can not conceive that any outside institution would concern itself with the proposition of repairing an impairment of a bank. They might be willing to purchase adequate securities, liquid securities. The purchase of securities from financial institutions which are impaired is of no assistance to that institution, nor is it any protection to the depositors. The only remedy which will help a banking institution and aid the depositors and make them safe is to repair the impairment. The ill with which that institution is affected must be cured or the money will do no good. There is no use loaning money to a bank if it is impaired. There must be new capital put into that bank, and that can only be done through securities furnished either by stockholders or by others who are willing to become stockholders and keep that concern going and in that way protect the rights and interests of the depositors. There is no other method.

Mr. SHIPSTEAD. Does the Senator mean to say that he believes this fund of \$100,000,000 of Government money that is to be loaned to this banking corporation, which we are told is going to be used for the purpose of helping the farmer, will not be used for that purpose, but that it will be used to help him in the way in which he has always been helped?

Mr. BURSUM. Exactly, just that way. It will not help him at all except that they will purchase liquid securities, will buy good notes.

The PRESIDING OFFICER. The time of the Senator has expired.

EXECUTIVE SESSION.

Mr. CURTIS. Mr. President, I understand the colleague of the Senator who has just spoken, the senior Senator from New Mexico [Mr. JONES], desires to make a speech upon the pending amendment, and as he is not here, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock p. m.) took a recess until to-morrow, Thursday, March 13, 1924, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 12, 1924.

POSTMASTERS.

CONNECTICUT.

Herbert E. Erwin, New Britain.

ILLINOIS.

Rose S. Beard, Arenzville.
Robert N. Bragg, Brimfield.
Pearl E. Smith, Colp.
Edward F. Tedens, Lemont.
Arthur F. Sturgis, Middletown.
James W. Scott, Monmouth.

INDIANA.

Menno Burkhalter, Berne.
William G. McNeelan, Holton.
John T. Stevenson, Kirklint.

LOUISIANA.

Augustine M. Dugas, Centerville.
David S. Leach, Florien.
Theodore G. Ashlock, Ville Platte.

MAINE.

Harry J. White, Jonesport.

MARYLAND.

Harry A. Carroll, Havre de Grace.

MASSACHUSETTS.

Raymond H. Gould, Millers Falls.

MICHIGAN.

Arthur R. Gerow, Cheboygan.

MINNESOTA.

Gay C. Huntley, Hill City.

NEW JERSEY.

Byron M. Prugh, Westfield.

NEW YORK.

Leon Pralatowski, Cold Spring.
Harry C. Holcomb, Porterville.
Clayton J. Bannister, Westfield.

OHIO.

Frank A. Brown, Batavia.

OKLAHOMA.

Bernice Pitman, Waukomis.

PENNSYLVANIA.

Ida E. Megargel, Canadensis.

RHODE ISLAND.

Joseph E. Noel, Arctic.

VERMONT.

Sanford A. Daniels, Brattleboro.

Robert A. Slater, South Royalton.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 12, 1924.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Once more, O Lord, our soul utters its inner appeal for that reality which is found in Thee alone, and which is Thy living, loving presence. Amid the jar and the turbulence of the days bless us with that peace which the world can not give, neither can it take away. Give us ease from conscious reproach and rest from conscious fear. Revive in us the passion that leaves the things material, only to lose itself in things eternal. O let the light of Thy truth kindle all our desires and direct all our ways. Be merciful unto us our Father in heaven, until we say "good night" here and "good morrow" yonder. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Speaker, a House subcommittee of which I am a member is now investigating law enforcement in the District of Columbia.

Three of the Washington newspapers the other day carried an article to the effect that a man was arrested near the House Office Building with a jug of whisky and stating that he claimed he was an employee of the House Office Building and had procured the whisky for and was taking it to a Congressman. Our committee had the officers who made that arrest, together with the man himself, put under oath and interrogated. The officers testified that no such thing occurred. The man was not arrested near the House Office Building, as alleged in the newspapers, but was arrested in another part of town from the Capitol, in an alley on the other side of the Government Printing Office. He did not claim he was taking whisky to a Congressman. He did not claim to be an employee of the House Office Building or that he was going there. No such claim was made. He was not an employee in the House Office Building but used to be several years ago for about a year, being then detailed there by the Government Printing Office. He has not been an employee here for more than a year, and he made no such claim to the officers. At the time he was arrested he was drunk. The policeman told him he had been drinking for several days and asked him why he persisted in getting this whisky. He said he got it for himself and bought it in an alley from a bootlegger. There was no basis or grounds whatever for said newspapers to allege that when he was arrested he claimed to be employed in the House Office Building and was taking whisky to a Congressman, for he made no such claims. After the committee had ascertained these facts from the sworn testimony of the officers themselves we find the morning Herald, notwithstanding all these facts, coming out and reiterating the statement that this man when he was arrested said he was carrying whisky to a Congressman in the House Office Building. I take it the Washington newspapers ought to be more careful in the future about alleging facts concerning such matters when no such facts exist.

CORRECTION.

Mr. GLATFELTER. Mr. Speaker, I had a pair with the gentleman from New Jersey, Mr. SEGER, which I thought was good only from Friday until Monday. I therefore voted on

Monday. I find I was mistaken about it, and I desire to change my vote and vote "present."

The SPEAKER. Of course, it is too late to change the vote, but the gentleman's explanation will go in the Record.

COTTON PRODUCTION.

Mr. BELL. Mr. Speaker, while visiting the farm of Mr. C. C. Wall last November in Gwinnett County, Ga., he gave me in detail his experience in destroying boll weevils, and was generous enough to give me the remedy, as well as the method of application and instructions in cultivating the land under boll-weevil conditions. The following is the solution he says he uses with success:

Four pounds of calcium arsenate, 2 gallons black molasses. Dissolve in 2 gallons of boiling water, then add 6 gallons of cold water.

PREPARATION OF LAND.

Turn land early and plow under all stubble and everything left on the land from former crop. About April 1 bed land out and out, leaving a good water furrow. Allow plenty of space between cotton rows. On or about April 10, 15, or 20 plant cottonseed on bed, first using guano 9-3-3, or a better grade if convenient. Use 400 pounds per acre, and follow the distributor with a spring-tooth harrow; follow harrow with a Cole planter, putting one and a half bushels of good seed per acre. When cotton comes up use a spring-tooth harrow with snake-head center teeth. In five to seven days after harrowing bar off with 3-inch plow and fender, then chop, leaving a good stand of cotton. Within 10 days thereafter put in the furrow 50 pounds of nitrate soda per acre (preferably by hand), then plow with 16-inch scrape, increasing the size of scrape 2 inches at each plowing up to 22 inches. Plow every 10 days, or as nearly so as possible, until the 1st or 10th of August. Do not plow deep after you have barred the cotton off. Keep middle of rows well plowed. Use solution with small cotton mop and stir frequently while using. Put but one or two drops of solution in the bud and apply only to the bud or buds of limbs of the plant. Do not smear the solution on the stalks or the leaves. Begin applying solution when cotton is chopped and apply every 10 days until migration ends in August. Only hard rain will wash solution off the plant, and if this should occur reapply immediately.

POSTAL SERVICE.

Mr. O'SULLIVAN. Mr. Speaker, of all the agencies of government, none has a more comprehensive program nor effects a closer contact with the individual than the Postal Service. Each day sees a veritable army of men and women engaged in the vast work of this department. It is a most embracing service; it is the greatest public utility in the world. It transports intelligence by correspondence, newspaper, and magazine; it transmits money from place to place through the feature of its money-order department; it acts as banker for those who wish to deposit their money in its keeping. Its program has become so diversified and involves the daily routine of the citizen to such an extent that the slightest disturbance in its efficiency awakens deep concern in the American public.

Its vital importance to business and to the individual has been recognized from its establishment. Innumerable instrumentalities which make for the betterment of the service have constantly been put into operation. Everything to effect a saving of time in transporting and delivering mail has been sought. The stage coach gave way to its speedier rival, the railroad; the horse has been replaced by the motor truck. The airplane has been utilized, while even the ground below has been put to practical use, as pneumatic tubes in our large cities are now carrying mail matter from place to place, all in the interest of time.

How thoroughly this department has the support and confidence of the people can best be illustrated by its growth. When its fiscal year ended in 1800 the sum of its receipts was \$280,804; during the past fiscal year its receipts were \$532,827,925, a magnificent demonstration of the use to which the American public puts this utility. Each day over 51,000 post offices throw open their doors, 60,000 assistant postmasters and clerks get ready for business, 40,000 city carriers throw on their mail pouches, 44,000 rural carriers hitch up Dobbin or get "Henry" out of the stall, and innumerable other employees assume their respective places of work, all bent on giving service to the public. On all sides are instances of growth, many of which are so staggering in magnitude as to be almost unbelievable. Witness such an example as that of Los Angeles within the past 40 years. Then its receipts were \$60,000. To-day they are \$6,000,000. By way of passing note, it might be mentioned that the greatest mushroom growth of any post office fell to the lot of a fourth-class post office in Arkansas. In three months of 1922 its business increased over 1,000 per cent, which caused the postmaster to wire to Washington the

following telegram: "Office out of my control; letters arriving 5,000 to 7,000 a day; parcel post by the ton; can not open mail any longer; no place to put it; accept resignation." This, of course, was due to the discovery of oil in the vicinity. As an incident, its value is merely to show the instantaneous manner in which Postal Service follows business, even into Arkansas.

The other branches of the Postal Service have witnessed developments quite in keeping with the mail-service growth. Take the money-order business: established under Lincoln, it transmitted during its first year \$1,300,000; to-day it handles \$1,300,000,000.

This same service boasts of being the largest savings institution in the world. While the branch having charge of this feature of the service is comparatively young, it is worthy to note that at the present there are deposits of \$131,000,000 to the credit of the public.

Such is the background for and some of the high lights of the Postal Service. Due credit for the sound position where this service finds itself must be given to those who have guided and directed its activities. But in passing out credit and giving praise, it should not be forgotten that something more than three cheers should be given to the men and women who have actually done the work; to the postal clerk, the carrier, both in the city and in the rural districts, and to the railroad postal employee. All the directing genius in the world would be unavailing unless there was loyalty of service and efficiency of performance on the part of those who actually handle the mail and the money that travels from place to place. The capacity of these employees to take on new work is phenomenal. This has been demonstrated time after time, without a proportional increase in the force or the established facilities. Witness the assimilation of the parcel-post business with the mails and its successful handling, notwithstanding its growth. The chief reason for this lies in the spirit of the personnel of the organization, which is preeminently one of service. It can be accounted for in no other manner.

Says the Postmaster General in his latest report:

The growth of postal receipts, representing in a fair measure the increase in the volume of business transacted at the post offices where clerks and carriers are employed, has steadily increased with a greater percentage than in the increase of clerks and carriers. This has steadily reduced the margin between the volume of business transacted and the volume that may be handled without increase in force. The Postal Service has been noted for its ability to take on new business and assimilate it with the old without a proportional increase in force and facilities employed.

During the past year the increase in receipts, indicative of the volume of business, was 9.89 per cent over the previous year, whereas the increase in the number of clerks was 2.06 per cent and that of the carriers was 1.64 per cent over the preceding year.

I can recall the time when employment in the Postal Service was deemed exceedingly attractive. Positions were sought by men of a type that any employer might well be proud of, men with characteristics of ambition, efficiency, and honesty. Theirs were the hands that built up this great postal structure. The fact that the salaries attracted the right type of men can not be overlooked as one of the real causes of success in the Postal Service endeavors.

As what a man receives for what he gives is a determining factor in all employment, it must be admitted that attractiveness of the postal positions has been greatly dimmed. This country can not afford to permit such a policy to continue. In justice to the present employees, and in equal justice to the efficiency of the service, we can not pass unheeded these men who ask for an increase in their salaries and a rectification of some of the ills existing under the present laws which govern their action while in the service and at their retirement.

I want every man in the Postal Service to have a wage which will insure him—

1. Comfortable living quarters.
2. Good, healthful food, and occasionally some delicacies.
3. Enough good clothes for most purposes.
4. The chance for the wife to buy enough mechanical and physical aid to relieve housework of much of its drudgery.
5. The means to buy books, go to the theater, and give the children an adequate education.
6. At least a limited amount of recreation.
7. Some insurance and a little fund for savings.

Manifestly the present wage of these men is not sufficient to meet these needs. If it is the intention of this Government to hire cheap labor, that is one thing, but if it wishes to retain the services of men of the standard necessary to conduct properly the great business of the department it must provide a higher wage. If this Congress wishes to do an injustice to

these men, it can do it very readily by failing to grant an increase in salaries. But let no one forget that such a policy will lead to a deterioration in the Postal Service. It is true that many of the older men will remain; they have given the best part of their lives to the work of the department, and because of their age some might have difficulty in obtaining other employment. But the younger men will have no hesitation in seeking places which provide more liberally than does the Government, and the type of those who will seek their places will not tend to the betterment of this all-important department.

Now comes the statement from the White House that President Coolidge is opposed to any increase for these employees, because the condition of the country will not warrant it. And in the same statement he expressly acknowledges the justice of the claim for an increase. It seems like a wholly untenable position he occupies. How can the Chief Executive admit that an increase is justly due, yet use the might of his office to prevent it? Never before has a President pursued such a course. Nor do I believe this Congress will follow him. Respect for a living wage and a desire to maintain the high standard of the Postal Service must govern our action. As far as I am concerned, they will.

Mr. SNELL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. It is evident there is no quorum present.

Mr. LONGWORTH. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

Almon	Fairchild	Lineberger	Rogers, N. H.
Anderson	Fish	Logan	Sanders, Ind.
Anthony	Fredericks	McClintic	Sanders, N. Y.
Black, Tex.	Frothingham	McDuffie	Sears, Fla.
Black, N. Y.	Fulmer	McLaughlin, Nebr.	Sites
Bowling	Gallivan	Michaelson	Sullivan
Boylan	Goldsborough	Mills	Sweet
Brand, Ohio	Greene, Mass.	Morin	Swoope
Britten	Hawes	Nelson, Me.	Taber
Brumm	Hull, Tenn.	Nelson, Wis.	Taylor, Colo.
Celler	Jacobstein	O'Brien	Tincher
Clarke, N. Y.	Johnson, S. Dak.	O'Connor, La.	Treadway
Cole, Ohio	Kahn	Patterson	Wainwright
Curry	Knutson	Peery	Wertz
Davey	Kurtz	Phillips	White, Kans.
Dempsey	Kynle	Rathbone	Williams, Ill.
Denison	Langley	Reed, W. Va.	Wyant
Dickstein	Larson, Minn.	Reid, Ill.	

The SPEAKER. Three hundred and sixty Members have answered to their names; a quorum is present.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

ALLEGED CHARGES AGAINST TWO MEMBERS OF CONGRESS.

Mr. GARRETT of Tennessee. Mr. Speaker, I offer the following privileged resolution.

The SPEAKER. The gentleman from Tennessee offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 217.

Whereas a grand jury of the District Court of the United States for the Northern District of Illinois, southern division, impaneled at the February term, 1924, has reported to that court that certain evidence has been submitted to them involving the payment of money to two Members of Congress; and

Whereas the honor and dignity of the Congress require that the facts be immediately ascertained, to the end that such action as is essential for the Congress itself to take may be promptly taken: Therefore be it

Resolved, That a select committee of five Members of the House shall be appointed by the Speaker thereof whose duty it shall be to proceed forthwith to make an investigation of such allegation and ascertain—

(a) Whether said "two Members of Congress" so charged are Members of the House of Representatives; and

(b) If so, to make such further investigation as may be essential to establish the truth or falsity of said allegation.

Said committee shall have power to send for persons and papers and administer oaths and shall be permitted to sit during the sessions of the House and any recess thereof and at such place or places as may be necessary to discharge the duties herein imposed.

Resolved further, That the Speaker is hereby authorized to issue subpoenas to witness upon the request of the committee or any subcommittee thereof at any time, including any recess of the Congress; and the Sergeant at Arms is hereby empowered and directed to serve all subpoenas and other processes put into his hands by said committee or any subcommittee thereof.

Resolved further, That said committee shall report to the House as promptly as possible the results of its inquiries together with such recommendations as it may deem advisable.

Mr. GARRETT of Tennessee. Mr. Speaker, there is a typographical error which should be corrected. In line 11, on page 2, the words "to witness" should be changed to "witnesses."

The SPEAKER. Without objection, the correction will be made.

There was no objection.

Mr. BEGG. Mr. Speaker, I make the point of order that this is not a privileged resolution at this time.

The SPEAKER. The Chair will hear the gentleman.

Mr. BEGG. I appreciate, Mr. Chairman, that the Chair made a ruling last night on this point, but I desire to make the point again and call the attention of the Speaker to one or two points, namely, the only thing that gives this a privileged status is that the honor of the House is involved. This is the third morning that this subject matter, under the guise of being a privileged resolution, has been before this body. The first time, a resolution taking cognizance of the action of the grand jury was acted upon and disposed of by the House, and when the reply to that resolution was received, again privileged status was given to the report and the action of the House on that report was to send the report to the Judiciary Committee for disposition. Disposition was made by the Judiciary Committee, and yesterday again the privileged status of their report was brought into the House under the guise that the honor of this body was involved and therefore their report became privileged. Now, again, this morning another gentleman, the distinguished leader of the minority, comes in with a resolution dealing with a subject matter identical that has been three times before this body under the guise of being privileged.

I suggest to the Speaker that if this is held privileged this morning again, regardless of the disposition of this matter I can bring in a resolution to-morrow morning appointing a special committee of three Members instead of five and under the same argument, that the honor of the House is involved because a grand jury in Chicago referred to two Members having been paid money, and following the line of precedents the Chair can not rule me out.

If that conclusion be true that this resolution this morning, because it specifies a little different way of disposing of that privileged status of a resolution, then I, by finding a little different way again, can claim a privilege for another resolution, and that could be carried on indefinitely. In other words, every single morning, until a final adjudication of the question of the honor of this House can be had, there could be a privileged resolution brought in, a little different from the one the day before.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. BEGG. In just a moment. There must come a time somewhere when we can end the privilege of this House in dealing with a specific performance. I make the point of order that that time has come now, after three different considerations of the same specific violation of the honor of the House. I yield to the gentleman from Alabama.

Mr. BANKHEAD. As I understand the gentleman's argument, his point of order is made solely upon the proposition that the offering of this resolution this morning is a dilatory proceeding.

Mr. BEGG. I did not make any such point of order.

Mr. BANKHEAD. But that is the effect of it.

Mr. BEGG. I think the Speaker understands clearly what my point of order is.

The SPEAKER. The Chair is ready to rule. The Chair recognizes that there is great force in the argument made by the gentleman from Ohio [Mr. BEGG]. The Chair thinks the gentleman is correct in the logic of the situation that there must be an end sometime to the privilege of such a matter. It could not be allowed in a House which is here to do business that such a question of the privilege of the House should have a new right to consideration indefinitely from day to day. When the question was raised last evening by the gentleman from Michigan [Mr. CRAMTON] the Chair is disposed to think now that the Chair might well then have ruled that inasmuch as the whole subject had been before the House and had been referred by the House to one of the standing committees and that committee had reported and the House had acted upon the report, the right of privilege had been exhausted. However, the Chair is confronted with this personal embarrassment.

Last night the Chair overruled the point of order made by the gentleman from Michigan [Mr. CRAMTON], which is the same as that now made more elaborately by the gentleman from Ohio [Mr. BEGG]. The gentleman from Michigan did not then argue the question. It was a new question to the Chair; and the Chair, acting upon the first-blush opinion that the subject was still privileged, overruled the point of order. The gentleman from Tennessee [Mr. GARRETT] expressly asked the Chair if he held that it would be in order to-day, and the Chair said that he did so hold. Under those circumstances, whatever the Chair may now think, having once ruled and assured the gentleman that it would be in order to-day, the Chair feels that to deal fairly with the House, and particularly with the gentleman from Tennessee, he must be bound by that ruling. Yet, notwithstanding that ruling which he made yesterday and which he now reaffirms, the Chair wishes to state that in the future he will not feel bound by this precedent. The Chair therefore overrules the point of order.

Mr. GARRETT of Tennessee. Mr. Speaker, I stated yesterday afternoon when the resolution was presented that I would be willing to present it again to-day and have a vote upon it without debate. That was my feeling at that time, and that is my feeling now. So far as I am concerned, I am ready for a vote; but it has been suggested to me by the gentleman from Ohio [Mr. LONGWORTH], the majority leader, that he desires to discuss the matter for a little while.

Mr. LONGWORTH. Mr. Speaker, I should be very glad if the gentleman from Tennessee would yield me 10 minutes. I think that is all I shall ask.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield the gentleman from Ohio 10 minutes.

Mr. LONGWORTH. Mr. Speaker, yesterday after a prolonged and exhaustive debate the House adopted the following resolution:

Resolved, That the House take no further action for the present to procure from the Attorney General the information heretofore requested of the Attorney General under House Resolution No. 211.

That was the resolution submitted by the Committee on the Judiciary. Subsequently that was amended on the floor as follows:

Resolved, That in view of its extreme importance to the House the Attorney General be, and is hereby, requested to proceed at once and give preference and precedence to this investigation and report the results to this House.

In other words, not content with saying merely that in the opinion of the House it should not undertake an investigation independently for the present at least we went further and gave specific instructions to the Attorney General, leaving all other things aside, to proceed to the speedy determination of the case. Under those circumstances does it not seem to be unwise, after giving those specific instructions, to now undertake by a committee to do those very things that we have instructed the Attorney General to do at once? Could it result in anything else than delay? It is inconceivable that a committee of this House and the Department of Justice proceeding independently could each examine into this case. In the first place, this committee will have to take entire possession of all of the evidence now in the Department of Justice. It would have to examine the witnesses that the Department of Justice would call upon. It could accomplish nothing in the world except to cause delay and confusion. The Department of Justice must proceed at once, and must report the result of its investigations to the House. That is what we ordered it to do yesterday by resolution.

Mr. WEFALD. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. WEFALD. What is the gentleman's opinion of what a reasonable time would be within which the Attorney General should make a report to the House?

Mr. LONGWORTH. It would be impossible for me to say offhand, but I say this: That so far as I am personally concerned, if within two weeks from to-day we do not have something definite in this unfortunate affair from the Department of Justice, I for one am willing to vote for some such resolution as that now offered by the gentleman from Tennessee [applause], but I am not willing to do that now. It can not benefit the House to do so at this time, and it certainly can not benefit the two gentlemen whose names have been mentioned in this affair.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. COOPER of Wisconsin. Yesterday the gentleman from Virginia [Mr. MONTAGUE] made an elaborate speech about the importance of keeping separate the three departments of the Government. What power has the House of Representatives to instruct the Attorney General of the United States or the Department of Justice in the performance of its official duties? The Attorney General can disregard it and pay no attention to it whatever, and therefore what we passed yesterday amounts to nothing, so far as being obligatory is concerned.

Mr. LONGWORTH. At least it is using moral suasion.

Mr. COOPER of Wisconsin. It amounts to nothing at all. Let me ask this question of the gentleman: The House itself proposes to do nothing, although the honor of every Member of the House is impugned. We propose to leave it all to Mr. Daugherty, the Attorney General. Suppose Mr. Daugherty at the end of two weeks, the period just mentioned by the gentleman from Ohio [Mr. LONGWORTH], reports that there is nothing in the case?

Then there will be no evidence to show what he did, what Mr. Crim did, the man who denounced his own witnesses yesterday; there will be no evidence to show whether the House has done anything or he has done anything. All he does will be kept secret under the law, and then what is the position of this House, every one of us having our honor impugned?

Mr. LONGWORTH. I think the gentleman approaches the question from the wrong point of view. The only reason why we have a right to demand from the Department of Justice the evidence that it has is under our constitutional power to punish or expel our Members. It is not to approve anything that any Member of the House has done. It is to disapprove what he has done. Now, I am not willing to assume that we are asking this information for the purpose of punishing our Members. I repeat as I said yesterday, I have absolute and complete confidence in the integrity of both of the gentlemen named, and I have no idea the House will be called upon to punish them.

Mr. STEVENSON. Will the gentleman yield now?

Mr. LONGWORTH. I will.

Mr. STEVENSON. The gentleman says he would be willing in two weeks to vote for a resolution like this. Under the ruling the Chair has just made this is the last time this resolution would be privileged. Now, is the gentleman prepared to provide a method by which it would be privileged if we should decide to take it up again?

Mr. LONGWORTH. If the gentleman will take his rule book, if he has such a thing, and read the rules, he would find out how it would be possible to bring it before the House.

Mr. STEVENSON. I am entirely familiar with that; but will the gentleman assist us in bringing it before the House according to its rules?

Mr. LONGWORTH. There is no difficulty in the world in bringing such a resolution before the House. It can be referred to the Committee on Rules at once and reported. If the gentleman was more familiar with the rules, perhaps he would not ask the question.

Mr. CHINDELOM. Would the gentleman be willing to ascertain whether the minority leader would be willing to postpone action on this resolution for two weeks and for it to retain its present status?

Mr. LONGWORTH. I think, gentlemen, such action as the gentleman from Tennessee now contemplates, while I know that his only motive is to protect the honor and dignity of the House, is illy advised at this time. I think no good can come from it either to the membership of the House or to the individual Members named. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I should like to ask, before I begin, if there is any other gentleman, now that debate is pending, who wants time in opposition to the resolution; if not, it is my purpose at the conclusion of what I have to say to move the previous question. If there is anyone who wants time in opposition, I would be glad for him to take it now. [Cries of "Vote!"]

Mr. Speaker, I wish to get clearly before the House, if I can, the thought which is in my mind concerning this resolution. This resolution, except as to the "whereas," is an exact duplication of that which I introduced, I think, on Tuesday last, yesterday a week.

Mr. GRAHAM of Illinois. If the gentleman will permit an inquiry?

Mr. GARRETT of Tennessee. I will.

Mr. GRAHAM of Illinois. I notice in reading the resolution it has no provision such as is ordinarily carried for the pay-

ment of the expenses of such committee out of the contingent fund. Did the gentleman do that intentionally?

Mr. GARRETT of Tennessee. The gentleman will recall that that would defeat its privileged character. Then it would have to go to the Committee on Accounts.

Mr. GRAHAM of Illinois. I had not thought of that.

SEVERAL MEMBERS. Read the rules.

Mr. GARRETT of Tennessee. At the time the original resolution was introduced by me I had never heard an intimation of the name of a Member of the House. I had no idea whether the grand jury report, which, so far as I then knew, was merely an alleged report, had reference to Members of this body or Members of the Senate. Hence the first thing which this select committee was directed to ascertain was "whether said two Members of Congress so charged are Members of the House of Representatives," and if so, then to proceed further, of course the theory being that if they were found not to be Members of this body, then this body would cease to consider the matter further.

There has never been the slightest party idea in my mind. I have not the slightest personal or party interest in the passage of this resolution, but I am convinced that it is the duty of this House, under the constitutional status which it has and under the conditions which now prevail, of itself to make the investigation in regard to itself.

Mr. BEGG. Will the gentleman permit a question?

Mr. GARRETT of Tennessee. I will.

Mr. BEGG. Supposing that the resolution would pass and that the committee would be appointed. The minimum time in which they could be really at work would be probably a week. Now, let us suppose that within 10 days the grand jury actually begins the investigation of this particular phase of that report. Would we not only be spending useless money but would it not be rather ludicrous? If the grand jury is dilatory in starting then we would be justified; and it would seem to me if the grand jury makes a finding of fact and sustains it and should report, we are again justified in getting to the facts; but until we know the grand jury is being dilatory, does not the gentleman think that a reasonable time should elapse so as to give them a chance to start?

Mr. GARRETT of Tennessee. I think the difference between the gentleman from Ohio and myself is this: He is willing to submit to a grand jury an investigation in regard to the honor and dignity of the House to the exclusion of the House itself doing anything. There is nothing in this resolution now that will prevent the Department of Justice from proceeding if it chooses to proceed, but I am unwilling to say that we ourselves of ourselves can not investigate ourselves and must submit our honor and dignity to the keeping of a grand jury. [Applause.]

Mr. BEGG. Will the gentleman yield for a further question?

Mr. GARRETT of Tennessee. I will.

Mr. BEGG. The gentleman is in error when he states that the gentleman from Ohio would prefer to have the Department of Justice investigate the honor and dignity of the House; that is not my position at all.

I maintain that the honor of the House is not at stake until the fact is developed. Now, if we had no machinery to ascertain the criminality, then the case would be otherwise; but we have the machinery to punish crime, and this House does not undertake to punish crime; it only undertakes to vindicate itself after it has been sinned against.

Mr. GARRETT of Tennessee. Quite right; and if any one of its Members has been guilty of violating the honor of the House, of course to deal peremptorily with him. Now, this resolution, my colleagues, is not designed either to persecute or to protect Members.

Mr. HERSEY. Mr. Speaker, will the gentleman yield for a question?

Mr. GARRETT of Tennessee. I yield.

Mr. HERSEY. Suppose this resolution that you have before you should pass this House. Would it not automatically stop at once the use of the evidence now in the hands of the Department of Justice, that we want and need under that resolution—automatically stop the prosecution by the Department of Justice of any charge that we have in that grand jury now being investigated and now in the hands of the Department of Justice?

Mr. GARRETT of Tennessee. Every gentleman, as I recall, who is a member of the great committee of which the gentleman from Maine is such a distinguished member, who discussed that question yesterday, who touched directly upon that proposition that the gentleman is now discussing, specifically assured us that the appointment of a special committee would not interfere with the procedure in the Department of Justice.

Mr. HERSEY. Did a member of the committee discuss that?

Mr. GRAHAM of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. GRAHAM of Pennsylvania. As I recall the discussion, and especially that part of it in which I participated, we referred to a paragraph which a distinguished Democrat, member of the Committee on the Judiciary, caused to be inserted, which recited that under the circumstances, if a committee were appointed, if the House proceeded, that then the Attorney General would rest and not do anything, out of ethical consideration for the House proceedings. That was distinctly admitted by the gentleman from Texas [Mr. SUMNERS] as the only reason why the appointment of a committee was opposed—because it would prevent the Department of Justice from going on. If the Attorney General said that was his plan, we have no power to change his opinion or his decision.

Mr. GARRETT of Tennessee. My recollection is that the gentleman from Texas [Mr. SUMNERS]—and if the gentleman is present he will correct me if I am in error—stated repeatedly in the course of his argument that there was no reason why the appointment of a special committee should at any time interfere with the action of the Department of Justice. The substance of the argument of the gentleman from Texas was that we ought not, by again calling upon the Attorney General to furnish the names and the nature of the charges, to give him an excuse for not proceeding further.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. I do not want to use more time than I yielded to the gentleman from Ohio.

Mr. BEGG. I ask the privilege of bringing out one more point. I shall not use more time.

Mr. GARRETT of Tennessee. I yield.

Mr. BEGG. And it is on the question of the defense of the honor of the House. Is the gentleman's position this: That every time there comes a rumor quite generally circulated about the action of any Member, which if true would tend to violate the honor of the House, is it the gentleman's position that every time that rumor comes about he wants a special committee appointed to investigate it before the ascertainment of the facts in the court?

Mr. GARRETT of Tennessee. No; that is not my position; and I never would have introduced this resolution if it had been predicated alone on newspaper reports. I think we have had too much of that in the past.

Mr. BEGG. I agree with the gentleman on that.

Mr. GARRETT of Tennessee. But this report in the newspapers was predicated upon the report of the grand jury.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. I yield.

Mr. BLANTON. I take it that if this subcommittee is appointed, to get a starting point the first step would be to go to the Attorney General and get what information he has. I presume that would be the starting point. Would not that violate the position, which impressed me very much yesterday, taken by my colleague from Texas [Mr. SUMNERS]? He said it would give the Attorney General an excuse for lying down on the proper prosecution of the cases. Now, if we appoint a special committee and the committee sees fit to have the Attorney General bring to that committee his papers or information, would we not in effect be giving him the same excuse to which the gentleman from Texas [Mr. SUMNERS] referred?

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman from Texas did not say that the appointment of a special committee—

Mr. BLANTON. I did not say that.

Mr. GARRETT of Tennessee. What he said was that if we insisted upon calling for the names, the Attorney General would make that an excuse for ceasing the operations. This is not asking for the names, nor is it necessary for them to go to the Attorney General's office to begin.

Mr. BLANTON. But they could do that if we appointed them.

Mr. GARRETT of Tennessee. This committee could, but whether it would or not I could not say.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. RANKIN. With reference to the statement made by the gentleman from Texas [Mr. SUMNERS] yesterday, which is found on page 4116 of the Record, he uses this language:

Use your heads. This House has the power to appoint a special committee if it wants to, to go to the bottom of this thing. The Attorney General's office is not the only source of information.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield for another quotation on that point?

Mr. GARRETT of Tennessee. Let me say this before gentlemen press me further upon this matter: I agreed with the gentleman from Ohio [Mr. LONGWORTH] that I would yield to him as much time as I have used. I want to keep that promise to him. I think now that I have used more time than the gentleman used.

Mr. HASTINGS. The exact question was asked later on of Mr. SUMNERS—

Mr. GARRETT of Tennessee. I would like to keep faith with the gentleman from Ohio on that matter. I want to make just this further observation, that while the original resolution was adopted without the slightest intimation of a name—and I had no more idea as to what Members might possibly be involved than did the man in the moon—yet that which has occurred since reinforces my opinion that there should be a special committee.

And that is predicated upon the fact that the gentleman from Kentucky [Mr. LANGELEY] and the gentleman from Maryland [Mr. ZIEHLMAN] have themselves risen and stated they understood their names were being used and have themselves virtually demanded of this body that there be created a forum in which there might be a speedy determination of the facts in so far as those facts related to their official duties and their official integrity as Members of the Congress of the United States. [Applause.]

While I believe we are independent of their appeal, yet as a protection to the House itself and as a preservation of its own dignity and of its own constitutional rights I think we should create a committee which need not interfere with the Department of Justice. In addition to that I believe we now owe it to those gentlemen to have this special committee created. I believe the resolution should prevail, and Mr. Speaker, I move the previous question on the adoption of the resolution. [Applause.]

The SPEAKER. The gentleman from Tennessee moves the previous question on the resolution.

The previous question was ordered.

Mr. LONGWORTH. Mr. Speaker, I move to refer the resolution to the Committee on Rules.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that the previous question has been ordered.

The SPEAKER. A Member can always move to commit.

Mr. LONGWORTH. I could not make the motion until the gentleman had moved the previous question and the previous question had been ordered. That is the proper time for such a motion.

The SPEAKER. The rule specifically provides that—

It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions.

Mr. GARRETT of Tennessee. Mr. Speaker, I have not that rule before me, but does that apply to a House resolution as well as to joint resolutions and bills?

The SPEAKER. The Chair is informed that—

When the previous question has been ordered on a simple resolution (as distinguished from a joint resolution) and a pending amendment, the motion to commit should be made after the vote on the amendment.

So the Chair thinks it applies to everything.

Mr. CLARK of Florida. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Florida. Is the motion of the gentleman from Ohio debatable?

The SPEAKER. It is not. The previous question has been ordered.

The question is on the motion of the gentleman from Ohio to commit the resolution to the Committee on Rules.

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 148, noes 182.

Mr. LONGWORTH. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 158, nays 197, answered "present" 2, not voting 74, as follows:

YEAS—158.

Ackerman	Bacon	Bixler	Butler
Aldrich	Barbour	Boies	Cable
Andrew	Beedy	Burdick	Campbell
Anthony	Beers	Burness	Chindblom
Bacharach	Begg	Burton	Christopherson

Clague	Hardy	Mapes	Snyder
Cole, Iowa	Haugen	Merritt	Speaks
Colton	Hawley	Michener	Sprout, Ill.
Connolly, Pa.	Hersey	Miller, Wash.	Sprout, Kans.
Cooper, Ohio	Hickey	Moore, Ill.	Stalker
Cramton	Hill, Md.	Moore, Ohio	Stephens
Crowther	Hoch	Moore, Ind.	Strong, Kans.
Dallinger	Holaday	Morgan	Strong, Pa.
Darrow	Hudson	Murphy	Summers, Wash.
Davis, Minn.	Hull, Iowa	Nelson, Wis.	Temple
Dickinson, Iowa	Hull, Morton D.	Newton, Minn.	Thatcher
Dowell	Hull, William E.	Newton, Mo.	Thompson
Dyer	Johnson, Wash.	Paige	Timberlake
Edmonds	Kelly	Parker	Tinkham
Elliot	Kendall	Perkins	Underhill
Evans, Iowa.	Kiess	Perlman	Valle
Fairchild	Kopp	Phillips	Vestal
Fairfield	LaGuardia	Porter	Vincent, Mich.
Fenn	Larson, Minn.	Purnell	Ward, N. Y.
Fitzgerald	Leatherwood	Ramsley	Wason
Fleetwood	Leavitt	Reece	Watres
Foster	Leibach	Reed, N. Y.	Watson
Free	Little	Roach	Welsh
Freeman	Longworth	Robinson, Iowa	White, Kans.
French	Luce	Robison, Ky.	White, Me.
Fuller	McFadden	Rogers, Mass.	Williams, Mich.
Funk	McKenzie	Rosenbloom	Williamson
Garber	McLaughlin, Mich.	Schall	Winslow
Gibson	McLeod	Scott	Wood
Gifford	MacGregor	Seger	Wurzbach
Graham, Ill.	MacLafferty	Shreve	Yates
Graham, Pa.	Madden	Simmons	Young
Green, Iowa	Magee, N. Y.	Smith	
Griest	Magee, Pa.	Snell	
Hadley	Manlove		

NAYS—197.

Abernethy	Drewry	Lindsay	Rubey
Allen	Driver	Linthicum	Sabath
Allgood	Eagan	Logan	Salmon
Arnold	Evans, Mont.	Lowrey	Sanders, Tex.
Aswell	Favrot	Lozier	Sandlin
Ayres	Fisher	Lyon	Schafer
Bankhead	Frear	McKeown	Schneider
Barkley	Fulbright	McNulty	Sears, Fla.
Beck	Gardner, Ind.	McReynolds	Sears, Nebr.
Bell	Garner, Tex.	McSwain	Shallenberger
Bland	Garrett, Tenn.	McSweeney	Sherwood
Blanton	Garrett, Tex.	Major, Ill.	Sinclair
Bloom	Gasque	Major, Mo.	Smithwick
Box	Geran	Mansfield	Stegall
Boyce	Gilbert	Martin	Stedman
Brand, Ga.	Glatfelter	Mead	Stengle
Briggs	Greenwood	Milligan	Stevenson
Browne, N. J.	Griffin	Minahan	Sumners, Tex.
Browne, Wis.	Hammer	Montague	Swank
Browning	Harrison	Mooney	Swing
Buchanan	Hastings	Moore, Ga.	Tague
Bulwinkle	Hayden	Moore, Va.	Taylor, W. Va.
Busby	Hill, Ala.	Morehead	Thomas, Ky.
Byrnes, S. C.	Hill, Wash.	Morris	Thomas, Okla.
Byrnes, Tenn.	Hooker	Morrow	Tillman
Canfield	Howard, Okla.	Nolan	Tucker
Cannon	Hudleston	O'Connell, N. Y.	Tydings
Carew	Hudspeth	O'Connell, R. I.	Underwood
Carter	Humphreys	O'Connor, La.	Upshaw
Cassey	James	O'Connor, N. Y.	Vinson, Ga.
Collar	Jeffers	O'Sullivan	Vinson, Ky.
Clancy	Johnson, Ky.	Oldfield	Voigt
Clark, Fla.	Johnson, Tex.	Oliver, Ala.	Ward, N. C.
Cleary	Johnson, W. Va.	Oliver, N. Y.	Watkins
Collier	Jones	Park, Ga.	Weaver
Connally, Tex.	Jost	Parks, Ark.	Wefald
Connery	Keller	Peavey	Weller
Cook	Kent	Pou	Williams, Tex.
Cooper, Wis.	Kincheloe	Prall	Wilson, Ind.
Crisp	Kindred	Quayle	Wilson, La.
Croll	King	Quin	Wilson, Miss.
Cullen	Kunz	Ragon	Wingo
Cummings	Lampert	Rainey	Wolf
Davis, Tenn.	Lanham	Raker	Woodruff
Deal	Lankford	Rankin	Woodrum
Dickinson, Mo.	Larsen, Ga.	Rayburn	Wright
Dominick	Lazaro	Reed, Ark.	Zihlman
Doughton	Lea, Calif.	Richards	
Doyle	Lee, Ga.	Romjue	
Drane	Lilly	Rouse	

ANSWERED "PRESENT"—2.

Faust Langley

NOT VOTING—74.

Almon	Denison	Kurtz	Sanders, N. Y.
Anderson	Dickstein	Kvale	Sinnot
Berger	Fish	Lineberger	Sites
Black, N. Y.	Fredericks	McClintic	Sullivan
Black, Tex.	Prothingham	McDuffie	Sweet
Bowling	Fulmer	McLaughlin, Nebr.	Swoope
Boylan	Gallivan	McMichaelson	Taber
Brand, Ohio	Goldsborough	Miller, Ill.	Taylor, Colo.
Britten	Greene, Mass.	Mills	Taylor, Tenn.
Brumm	Hawes	Morin	Tilson
Buckley	Howard, Nebr.	Nelson, Me.	Tincher
Clarke, N. Y.	Hull, Tenn.	O'Brien	Treadway
Cole, Ohio	Jacobstein	Patterson	Vare
Collins	Johnson, S. Dak.	Peery	Wainwright
Conning	Kahn	Rathbone	Wertz
Crosser	Kearns	Reed, W. Va.	Williams, Ill.
Curry	Kerr	Reid, Ill.	Wyant
Davey	Ketcham	Rogers, N. H.	
Dempsey	Knutson	Sanders, Ind.	

So the motion was rejected.

The Clerk announced the following pairs:
On this vote:

Mr. Wyant (for) with Mr. Goldsborough (against).
Mr. Kahn (for) with Mr. O'Brien (against).
Mr. Vare (for) with Mr. Gallivan (against).
Mr. Greene of Massachusetts (for) with Mr. Corning (against).
Mr. Swoope (for) with Mr. Hull of Tennessee (against).
Mr. Mills (for) with Mr. Hawes (against).
Mr. Faust (for) with Mr. Bowling (against).
Mr. Denison (for) with Mr. Howard of Nebraska (against).
Mr. Ketcham (for) with Mr. Peery (against).
Mr. Wertz (for) with Mr. Rogers of New Hampshire (against).
Mr. Frothingham (for) with Mr. Davey (against).
Mr. Clarke of New York (for) with Mr. Black of Texas (against).
Mr. Britten (for) with Mr. Almon (against).
Mr. Sanders of Indiana (for) with Mr. Buckley (against).
Mr. Treadway (for) with Mr. Fulmer (against).
Mr. Williams of Illinois (for) with Mr. Collins (against).
Mr. Sweet (for) with Mr. Sullivan (against).
Mr. Patterson (for) with Mr. McClintic (against).
Mr. Morin (for) with Mr. Sites (against).
Mr. Johnson of South Dakota (for) with Mr. Boylan (against).
Mr. Fredericks (for) with Mr. Dickstein (against).
Mr. McLaughlin of Nebraska (for) with Mr. Jacobstein (against).
Mr. Brumm (for) with Mr. Black of New York (against).
Mr. Kurtz (for) with Mr. McDuffie (against).
Mr. Miller of Illinois (for) with Mr. Taylor of Colorado (against).

Until further notice:

Mr. Reid of Illinois with Mr. Crosser.
Mr. Lineberger with Mr. Kerr.
Mr. Michaelson with Mr. Kvale.

Mr. FAUST. Mr. Speaker, I have a general pair with the gentleman from Alabama, Mr. BOWLING. I understand if he were present, he would vote "nay." I desire, therefore, to withdraw my vote and be recorded as present.

Mr. GRIFFIN. Mr. Speaker, I voted "Present." I desire to withdraw that and vote in the negative.

The result of the vote was announced as above recorded.

The SPEAKER. The question is now on the resolution.
The resolution was agreed to.

CHARGES AGAINST MEMBERS OF CONGRESS.

Mr. HERSEY. Under permission to-day to extend my remarks, I wish to say further that yesterday this House passed and sent to the Attorney General the following resolution:

Resolved, That the House take no further action for the present to procure from the Attorney General the information heretofore requested of the Attorney General by the House under House Resolution 211.

Resolved further, That in view of its extreme importance to the House, the Attorney General be, and is hereby, requested to proceed at once and give preference and precedence to this investigation and report the results to this House.

To-day we are attempting to pass the following inconsistent and antagonistic resolution:

Whereas a grand jury of the District Court of the United States for the Northern District of Illinois, southern division, impaneled at the February term, 1924, has reported to that court that certain evidence has been submitted to them involving the payment of money to two Members of Congress;

Whereas the honor and dignity of the Congress require that the facts be immediately ascertained, to the end that such action as is essential for the Congress itself to take, may be promptly taken: Therefore be it

Resolved, That a select committee of five Members of the House shall be appointed by the Speaker thereof whose duty it shall be to proceed forthwith to make an investigation of such allegation and ascertain—

(a) Whether said "two Members of Congress" so charged are Members of the House of Representatives; and

(b) If so, to make such further investigation as may be essential to establish the truth or falsity of said allegation.

Said committee shall have power to send for persons and papers and administer oaths and shall be permitted to sit during the sessions of the House and any recess thereof and at such place or places as may be necessary to discharge the duties herein imposed.

Resolved further, That the Speaker is hereby authorized to issue subpoenas to witnesses upon the request of the committee or any subcommittee thereof at any time, including any recess of the Congress; and the Sergeant at Arms is hereby empowered and directed to serve all subpoenas and other processes put into his hands by said committee or any subcommittee thereof.

Resolved further, That said committee shall report to the House as promptly as possible the results of its inquiries, together with such recommendations as it may deem advisable.

Yesterday the Attorney General was requested to proceed at once with the investigation and to give precedence to this investigation and report the results to this House. To-day the matter is in the hands of the Attorney General and the Department of Justice before the grand jury with full power to use the whole machinery of the Department of Justice in finding out the truth, vindicating the good name of this House if

possible, and if the evidence warrants it, to punish anyone that is found guilty.

To-day we are asked to appoint a committee of five from the Members of this House who shall have power to take absolute charge of this same matter, empowered to send for persons and papers, administer oaths, and sit during sessions of the House and any recess thereof at such place or places as may be necessary to discharge the duties imposed. And, further, that the Speaker of the House is authorized to issue subpoenas to witnesses, Sergeant at Arms to serve them, and that the committee shall report to the House as promptly as possible the results of its investigation, with any recommendation it deems advisable.

Now while the evidence in this case is before the grand jury in the hands of the Department of Justice with instructions to proceed with that evidence in the usual and customary and lawful manner provided by the courts and the Constitution, we are asked to create a new tribunal that lacks the power of a grand jury and the resources of the Department of Justice. Any report from such a committee must be incomplete and unsatisfactory.

If this committee in face of the vote of yesterday by this House should demand of the Attorney General the evidence in his possession and before the grand jury that the committee may consider the evidence and that evidence is turned over to a House committee then the Attorney General ought to be impeached and removed from office.

There are those around me who claim to be friends of the Members accused who say they want to do the best thing for their friends and they are voting for this new resolution for the appointment of his new tribunal, this committee of five, under the plea that they are friends of the accused. I say in closing as I said in the beginning, if we do this out of friendship for our Members then our prayer still ought to be, "God save me from my friends."

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday. The Clerk will call the roll of committees.

INCREASE OF COAST GUARD FOR LAW ENFORCEMENT.

Mr. WINSLOW (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, I call up the bill (H. R. 6815) to authorize a temporary increase of the Coast Guard for law enforcement.

The SPEAKER. The gentleman calls up the bill, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar. The House will automatically resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6815) to authorize a temporary increase of the Coast Guard for law enforcement.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6815, with Mr. MADDEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 6815, to authorize a temporary increase of the Coast Guard for law enforcement.

Mr. WINSLOW. Mr. Chairman, I ask that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Massachusetts asks that the first reading of the bill be dispensed with. Is there objection?

Mr. BLANTON. Mr. Chairman, I think the bill ought to be read for the information of the committee, and I object.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized to transfer to the Department of the Treasury, for the use of the Coast Guard, such vessels of the Navy, with their outfits and armaments, as can be spared by the Navy and as are adapted to the use of the Coast Guard.

SEC. 2. (a) The President is authorized to appoint, by and with the advice and consent of the Senate, the following temporary officers of the Coast Guard: Two captains, 13 commanders, 25 lieutenant commanders, 48 lieutenants, and 42 lieutenants (junior grade) and ensigns, of the line; and 1 commander, 11 lieutenant commanders, 19 lieutenants, and 40 lieutenants (junior grade) and ensigns, of the Engineer Corps.

(b) Such temporary officers while in service shall receive the same pay, allowances, and benefits as permanent commissioned officers of the Coast Guard of corresponding grade and length of service, except that no such officer shall be entitled to retirement because of his temporary commission.

(c) Temporary appointments shall continue until the President otherwise directs or Congress otherwise provides.

SEC. 3. Permanent commissioned officers of the Coast Guard may be given temporary promotion, in order of seniority and without examination, to fill any such temporary grades. Notwithstanding such temporary promotion, any such officer shall continue to hold his permanent commission and shall be advanced in lineal rank, promoted, and retired in the same manner as though this act had not become law.

SEC. 4. (a) All original temporary appointments under this act shall be made in grades not above that of lieutenant, in the line or the Engineer Corps, and shall be made only after the candidate has satisfactorily passed such examinations as the President may prescribe. No person shall be given an original temporary appointment who is more than 40 years of age.

(b) The names of all persons appointed under this section shall be placed upon a special list of temporary officers, as distinguished from the list of permanent officers, of the Coast Guard. The President is authorized, without regard to length of service or seniority, to promote to grades not above lieutenant, in the line or Engineer Corps, or to reduce officers on such special list, within the number specified for each grade, and he may, in his discretion, call for the resignation of, or dismiss, any such officer for unfitness or misconduct.

SEC. 5. (a) Under such regulations as he may prescribe, the President is authorized to appoint, by and with the advice and consent of the Senate, 25 temporary chief warrant officers of the Coast Guard from the permanent list of warrant officers of the Coast Guard.

(b) Such chief warrant officers shall receive the same pay, allowances, and benefits as commissioned warrant officers of the Navy, except that any such officer shall continue to hold his permanent grade, and shall be retired in the same manner as though this act had not become law.

SEC. 6. Under such regulations as he may prescribe, the Secretary of the Treasury is authorized to appoint temporary warrant officers, and to make special temporary enlistments, in the Coast Guard. No person shall be entitled to retirement because of his temporary appointment or enlistment under this section.

SEC. 7. Nothing contained in this act shall operate to reduce the grade, rank, pay, allowances, or benefits that any person in the Coast Guard would have been entitled to if this act had not become law.

Mr. HILL of Maryland. Mr. Chairman—

Mr. BLANTON. Mr. Chairman, I am opposed to this bill on the minority side, and I ask for recognition in opposition to the bill.

The CHAIRMAN. The Chair understands that under the rule the right to recognition in opposition to the bill would go to a member of the committee if there were a member of the committee opposed to the bill. The Chair would like to ask whether there is any member of the Committee on Interstate and Foreign Commerce opposed to the bill and wishes recognition in opposition to it.

Mr. BLANTON. Mr. Chairman, if not, I claim recognition.

Mr. HILL of Maryland. Mr. Chairman, I also rose to ask recognition in opposition to the bill. I would like to ask whether the gentleman from Texas proposes to vote against the bill?

Mr. BLANTON. I certainly do, and I shall try to offer a substitute for it.

The CHAIRMAN. Is the gentleman from Texas opposed to the bill?

Mr. BLANTON. Yes.

The CHAIRMAN. Is the gentleman from Maryland opposed to the bill?

Mr. HILL of Maryland. I am opposed to the bill, and ask recognition.

Mr. CRAMTON. Mr. Chairman, I make the point of order that at this time the chairman of the committee is entitled to priority of recognition.

The CHAIRMAN. Certainly.

Mr. CRAMTON. And that the question of who is entitled to recognition in opposition may properly be settled when the time comes for some one to be recognized in opposition to the bill.

Mr. BLANTON. We might just as well settle it now and then we will know how to apportion the time.

Mr. CRAMTON. The gentleman from Texas does not require any great amount of notice to get a speech ready.

Mr. BLANTON. There are some other gentlemen over here that want some time.

The CHAIRMAN. Does the gentleman from Michigan make a point of order on the settlement of this question?

Mr. CRAMTON. At this time; yes.

Mr. BANKHEAD. Mr. Chairman, that is clearly a matter within the discretion of the Chair.

The CHAIRMAN. I think the point of order is not well taken. I wish to say that the matter is entirely within the discretion of the Chair and it has been customary, always, when a member of the committee is not found in opposition to the bill demanding time to give that time to some member of the minority of the House, not to a member of the majority of the House, and since no other gentlemen, except the gentleman from Maryland and the gentleman from Texas, have risen asking for recognition, the Chair feels constrained to recognize the gentleman from Texas.

Mr. BLANTON. I reserve the time, Mr. Chairman.

Mr. CELLER. Mr. Chairman, a parliamentary inquiry. I understand the gentleman from Texas is saying that he is opposed to the bill, but he is going to offer a substitute which might strengthen the very terms of the original enactment he is in opposition to.

The CHAIRMAN. The Chair can not see a parliamentary inquiry in that. There is no parliamentary question before the House for decision at this time. The gentleman from Texas stated definitely he was opposed to the bill.

Mr. CELLER. Mr. Chairman, as I see it, the gentleman from Texas wants an enactment even stronger than the one proposed by the committee.

Mr. BLANTON. Mr. Chairman, I am absolutely against this bill and am going to vote against every feature of it.

The CHAIRMAN. The Chair can not know what is in the mind of the gentleman from Texas. The gentleman from Texas says he is opposed to the bill and, of course, the Chair on that statement is bound to recognize him as a member of the minority of the House.

Mr. CELLER. Should not the Chair go beyond the mere letter of what the gentleman from Texas states and go into the spirit of what he intends to propose? I am on the minority side and I oppose this bill in toto.

The CHAIRMAN. The Chair can not understand what the gentleman is intending to propose. The Chair is not a mind reader.

Mr. BLANTON. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The gentleman from Massachusetts is recognized for one hour.

Mr. WINSLOW. Mr. Chairman and gentlemen of the House, this bill came before the Committee on Interstate and Foreign Commerce at the request of that department of the Government which had to do with the enforcement of the Volstead Act. The preliminary story can be made very short, as can a statement in respect of the subject matter of the bill. It appears that the department which is charged with the enforcement of the Volstead Act is of the opinion that it can be helped very materially in its work if put in a position to control the delivery of intoxicants for beverage purposes by way of the high seas. Such a condition prevails, or is reported to prevail, along the coast of the United States, Alaska, Porto Rico, the Philippines, and wherever the law applies.

Through departmental arrangement the Coast Guard has been assigned for some time, as part of its cares and tribulations, the enforcement of liquor enforcement law as pertaining to the high seas. The Coast Guard has not reached out for this new job, but being a United States department, with a long record of fine service, they take whatever is wished on them. It has come to pass that as between the Navy of the United States and the Coast Guard, after a continuation, maybe, of diplomatic negotiations of the "Alphonse and Gaston" order, the Coast Guard finds itself lined up to do this work. It has been made clear by the department which has to enforce the law to the Committee on Interstate and Foreign Commerce that it is necessary to have more and different ships for the Coast Guard if it is to do its contemplated work within the requirements thus far set up for the Coast Guard.

The original plan suggested comprehended the construction of new ships particularly adapted to general Coast Guard work but suitable for operations in connection with the enforcement of the Volstead Act. The original idea was probably wise for the reason that the Coast Guard is now short of ships for doing that wonderful work of rescue, salvage, and so on, for which it is so well known; but the administration and one department and another having to do with expenditure matters have concluded that it is not wise at present to invest the amount of money which would be required to build entirely new ships, and, further, they have concluded that the work of enforcement could be more quickly undertaken and increased if we were to use ships already owned by the Government.

Consequently it has been worked out that a number of what are called second-class torpedo-boat destroyers, which are second class only in respect of their size and capacity, be handed

over to the Coast Guard, and the plan comprehended, but not set forth in this bill, will also involve the construction of several other types of smaller craft; but with that we now have nothing directly to do.

The committee comes before the House and so on to the committee with the bill which you probably have in your hands and which provides for three general classes of legislation, the first one to provide for the transfer of some 20 torpedo-boat destroyers to the Coast Guard from the Navy and likewise a couple of mine sweepers. It also provides for the establishment of a proper personnel to man such an increased Coast Guard fleet, and then, again, it makes general provisions under several headings to govern the well-being of officers and enlisted men who may be connected with this augmented service of the Coast Guard.

Mr. FAIRCHILD. Mr. Chairman, will the gentleman yield?

Mr. WINSLOW. Yes.

Mr. FAIRCHILD. Has the committee estimated the cost of that to the Government?

Mr. WINSLOW. The cost to the Government for making over the 20 destroyers and the construction of other ships which would augment them—little craft under power—would be about \$13,000,000. The cost for maintaining the increased personnel to operate those ships has been estimated in round numbers at the rate of \$334,000.

Mr. SCHNEIDER. That is, per year?

Mr. WINSLOW. Yes; \$334,000 per year.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. WINSLOW. Yes.

Mr. BLANTON. This bill provides that the President shall appoint 191 temporary officers in the Coast Guard. How many extra enlisted men would be required to bring the force up to the required number? I refer to the extra personnel which will be required for these extra 191 officers.

Mr. WINSLOW. The inquiry, I think, is a pertinent one and I ought to know, but I can not answer the gentleman offhand. It may be in the hearings, and it may be that some member of our committee will recall that particular point.

Mr. BLANTON. Will the gentleman have one of his committee tell us.

Mr. WINSLOW. Yes; if I can.

Mr. BARKLEY. Mr. Chairman, if the gentleman will permit, this bill does not involve the appointment of 191 officers. It involves an increase in the commissioned personnel of 149, but it provides for the temporary advancement of 52 from the enlisted personnel to commissions in the Coast Guard Service.

Mr. WINSLOW. That probably is correct.

Mr. BARKLEY. That is only temporary.

Mr. WINSLOW. Yes.

Mr. BARKLEY. The Coast Guard Service was unable to say how many would be required in the enlisted personnel to man these ships because of their character and their inability to predict in advance whether they could get a full complement of men for all these ships, on account of the fact that it is a temporary employment and on account of the character of the service to be required.

Mr. WINSLOW. The gentleman reflects my recollection of it.

Mr. BLANTON. Mr. Chairman, I am sure that both the gentlemen from Massachusetts and the gentleman from Kentucky want to be accurate. Here is what the bill provides in section 2:

SEC. 2. (a) The President is authorized to appoint, by and with the advice and consent of the Senate, the following temporary officers of the Coast Guard: Two captains, 13 commanders, 25 lieutenant commanders, 48 lieutenants, and 42 lieutenants (junior grade) and ensigns, of the line; and 1 commander, 11 lieutenant commanders, 19 lieutenants, and 40 lieutenants (junior grade) and ensigns, of the Engineer Corps.

If that does not put 191 extra temporary officers into this Coast Guard, then I can not count figures.

Mr. WINSLOW. The gentleman may be right, but, like many other figures, they do not prove the point at issue. The number will have to be provided for, if that is possible, but by advancing men already in the Coast Guard to fill many of them the requirements for actual new talent to go in there are very greatly reduced.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. WINSLOW. Yes.

Mr. BANKHEAD. Are these vessels proposed to be placed at the disposal of the Coast Guard Service now actually in commission by the Navy Department?

Mr. WINSLOW. The only job they have now probably is that of collecting barnacles.

Mr. BANKHEAD. Are they practically obsolete or are they just laid up because of nonuse?

Mr. WINSLOW. I think there is no necessity for them, and they belong, generally speaking, to the "Sons of Rest" in the Navy.

Mr. BANKHEAD. Is it to be a permanent transfer of these naval vessels to the Coast Guard or is it only temporary?

Mr. WINSLOW. The provision says temporary, and the gentleman is as able to tell what that temporary feature may be in respect to enforcement of the law as I am.

Mr. BARKLEY. The testimony of Admiral Billard, who is the head of the Coast Guard, with reference to the point made by the gentleman from Texas [Mr. BLANTON], if the gentleman from Massachusetts will permit, is as follows:

If you will add up the number of officers contained in section 2 you will find that it comes to 201. We are asking, however, only for 149 additional officers, because the other 52 represent temporary promotions of officers now in the service, whose places are not to be filled.

Mr. WINSLOW. Quite so.

Mr. BARKLEY. So that the total number of officers over and above the present force would be 149 new men.

Mr. BLANTON. Mr. Chairman, will the gentleman yield further?

Mr. WINSLOW. Certainly.

Mr. BLANTON. One hundred and forty-nine extra officers. The gentleman from Massachusetts knows that when they are appointed there will be 149 promotions of other officers of the line.

Mr. WINSLOW. Perhaps.

Mr. FAIRCHILD. Mr. Chairman, will the gentleman yield further?

Mr. WINSLOW. Yes.

Mr. FAIRCHILD. Has the committee considered what percentage of enforcement will result from this additional expense to the Government?

Mr. WINSLOW. We are all still out of the insane asylum. [Laughter.]

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. WINSLOW. Yes.

Mr. VINSON of Georgia. Will the gentleman furnish the committee information as to the number of men that will be required to man these various ships?

Mr. WINSLOW. The gentleman means enlisted men?

Mr. VINSON of Georgia. Yes.

Mr. WINSLOW. They could not tell. They said it would depend largely upon how the work developed and the necessities of the ships. However, they do not expect to require the number of men they would have on board each of these ships for naval purposes.

Mr. SPEAKS. Mr. Chairman, will the gentleman yield?

Mr. WINSLOW. Yes.

Mr. SPEAKS. Would it not be possible to detail from some other service the officers and men required for this purpose?

Mr. WINSLOW. Such as what?

Mr. SPEAKS. The Navy, for instance.

Mr. WINSLOW. No.

Mr. SPEAKS. Why?

Mr. WINSLOW. The gentleman is a little too many for me. I am going to be perfectly frank about it. The Navy Department and the Coast Guard both agreed that it was not a feasible thing, and the committee did not go back of their statements.

Mr. SPEAKS. I want to suggest that if this were a condition confronting the State of Massachusetts and not the Federal Government and it devolved upon the Governor of Massachusetts to meet the situation, he would immediately detail from the Naval Militia or the National Guard such force as might be necessary to combat the evil.

Why does not the same principle apply here and allow these services to come from the Navy Department? Why should not men enlisted for an emergency purpose, with confessedly a serious situation confronting our Government, be detailed?

Mr. WINSLOW. Well, that is an illustration as to Massachusetts which the gentleman perhaps is better advised on than I am.

Mr. SPEAKS. I mean, why should not they be detailed for this particular purpose?

Mr. WINSLOW. The thought of the two departments was that they have not regarded this as feasible or possible to be advantageously worked out. To dig clear to the bottom of your inquiry would be quite a job, I presume.

Mr. SPEAKS. Does the gentleman really think that is a sufficient explanation of the situation and a reasonable excuse for not carrying out some such program? Say, for instance, it is frequently reported in the press of the country that a fleet of vessels is lying some 10 or 12 miles off the Atlantic coast for the sole and specific purpose of violating the laws of the United States. Now, would it be an unnatural thing to do if those charged with the enforcement of the laws should detail four or five naval vessels of suitable character to go out and see what is going on, at least? It would not be necessary to take any very radical action.

Mr. WINSLOW. I am not going to let the gentleman make a speech in my time, but I will answer any question.

Mr. SPEAKS. To reduce it to a question, does not the gentleman think that some such plan as I am suggesting is entirely feasible and proper?

Mr. WINSLOW. I do not have any information which would warrant me in forming a judgment.

Mr. SHALLENBERGER. I think the gentleman will recall that the admiral in charge of the Coast Guard, in response to a question from myself on the same line the gentleman is asking about, said that the Attorney General of the United States has ruled that the Navy can not be used for that purpose, that it is a function that belongs to the Treasury Department, and therefore belongs to the Coast Guard, and the Navy could not be used.

Mr. HILL of Maryland. Right on that point as to what the Attorney General has ruled—

Mr. WINSLOW. I yield to the gentleman from California.

Mr. LEA of California. I can give the gentleman some information as to the estimated number of officers and men. The additional officers would be 149, warrant officers 418, enlisted personnel 3,789.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. WINSLOW. I will.

Mr. SCHNEIDER. It is assumed this will be a permanent commission as long as the so-called prohibition exists?

Mr. WINSLOW. Well, I am not an expert on the future; I am not an astrologer. [Laughter.]

Mr. HILL of Maryland. I call the attention of the chairman of the committee to the eighth and following lines on page 15 of the hearings, which are as follows:

Mr. CROSSER. What is the general scope of the Coast Guard Service?

Admiral BILLARD. The general duties?

Mr. CROSSER. Yes.

Admiral BILLARD. Well, that is a rather long story—

Mr. WINSLOW. Mr. Chairman, I shall have to be protected from the gentleman making a speech in my time. I shall be glad to yield if he asks a question.

Mr. BLANTON. Would the gentleman mind yielding for a question? Does the gentleman know of any provision in our Constitution that prevents the President from using the Navy to enforce such a situation as this?

Mr. WINSLOW. To be truthful, I will admit that I am the only Member in this House who is not a constitutional lawyer. [Laughter and applause.] If the information has been given that is desired, it will be a pleasure to me to yield, and I reserve the remainder of my time.

The CHAIRMAN. The gentleman has used 17 minutes. [Applause.]

Mr. BLANTON. Mr. Chairman and gentlemen, I claim to be as strong a prohibitionist as there is in this House or in the country. I have been a prohibitionist all my life. I live it as well as preach and vote it. I am like my distinguished friend from Ohio, General SHERWOOD, I have yet to take my first drink. I guess some of you may think that I have missed a whole lot. But I have gotten along without it. I have helped to dry numerous counties in Texas, probably as many as has any other one man there, and I am for a nation dry as strict prohibition can make it.

But I am not for this bill and I am not going to vote for it, for it is but a wasteful pretense and sham and will place in the hands of the Secretary of the Treasury, who has never enforced the prohibition laws, additional means to evade the law. This bill adds 175 commissioned officers, 418 warrant officers, and 3,789 enlisted men to our naval personnel, making in all 4,282 additional men to go on our ships more than we have employed at this time. What is the necessity of appointing 175 extra officers and 418 extra warrant officers and 3,789 extra men to go on our ships? We already have in our Navy 7,783 officers and 86,242 enlisted men and we already have in our Marine Corps 1,132 officers and 20,300 enlisted men, all of whom are anxious for something to do. Why can not we

use them? Why should we take on 4,282 more men, including 175 more commissioned officers? What is the necessity? Have we not facilities enough already to do exactly what you are attempting to do by this bill? Are we to be estopped by the so-called legal opinion of a politician temporarily at the head of the Department of Justice, who never has been a profound lawyer and never will be one? [Applause.] He is the only one who has said that the President can not use the Navy in suppressing liquor smuggling. What else do we do by this bill that is now before the House?

Mr. CRAMTON. Will the gentleman yield while he is speaking of the use of the Navy in this work?

Mr. BLANTON. I will yield.

Mr. CRAMTON. What would the gentleman think of the effectiveness of this work being under a Navy in charge of Admiral Plunkett, for instance?

Mr. BLANTON. I would put it under the charge of the President, as Commander in Chief, and not Admiral Plunkett; but I would say I would rather have the law enforced under Admiral Plunkett than under Mr. Secretary of the Treasury Mellon, because I have found that an officer of the Army or Navy, I do not care what his personal beliefs are on a question, when you give him a military order to do something he does it, regardless of his own belief. [Applause.] I do not believe in putting the liquor enforcement in the hands of any man who is financially interested in the distilleries of the country. [Applause.] It ought to be placed elsewhere.

There is not one word in the Constitution of the United States that would prohibit the Congress from granting to the President the right to use both the Army and the Navy in suppressing this smuggling of liquor into the United States. There are ample precedents for it. Congress has done just this thing more than once heretofore in the history of our Republic. Let me cite several such acts by the Congress of the United States.

If you will turn to the Statutes at Large of the United States, volume 2, page 426, you will find the act of March 2, 1807, entitled:

An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States—

And so forth. And from page 428 I quote section 7 of said act, as follows:

SEC. 7. *And be it further enacted*, That if any ship or vessel shall be found, from and after the 1st day of January, 1808, in any river, port, bay, or harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coasts thereof, having on board any negro, mulatto, or person of color, for the purpose of selling them as slaves, or with the intent to land the same in any port or place within the jurisdiction of the United States, contrary to the prohibition of this act, every such ship or vessel, together with her tackle, apparel, and furniture, and the goods and effects which shall be found on board the same, shall be forfeited to the use of the United States, and may be seized, prosecuted, and condemned, in any court of the United States having jurisdiction thereof. And it shall be lawful for the President of the United States, and he is hereby authorized, should he deem it expedient, to cause any of the armed vessels of the United States to be manned and employed to cruise on any part of the coast of the United States or Territories thereof, where he may judge attempts will be made to violate the provisions of this act—

And so forth.

So you will see that way back in 1807 the Congress of the United States, having the Constitution fresh in their minds, had the courage to pass a statute turning over to the President the Navy, not merely its boats and armaments, but its officers and men as well, and telling the President to use same in suppressing the smuggling of slaves into the United States. If the Congress had the right in 1807 to pass such a law, why has not the Congress in the year 1924 the same right to pass a similar law? But let me give you another precedent. If you will examine the Statutes at Large of the United States, volume 12, page 255, you will find that on July 13, 1861, the Congress passed an act entitled: "An act to provide for the collection of duties on imports," and so forth, and from page 257 I quote section 7 of said act, as follows:

SEC. 7. *And be it further enacted*, That in the execution of the provisions of this act and of the other laws of the United States providing for the collection of duties on imports and tonnage it may and shall be lawful for the President, in addition to the revenue cutters in service, to employ in aid thereof such other suitable vessels as may, in his judgment, be required.

And said act gave authority to the President to use the militia as well as the Navy to enforce the provisions of said act.

Again, let me repeat that whether an admiral believed in prohibition or not, whether he was addicted to drinking or not,

he would obey the orders of his superior officer, and the President of the United States is the Commander in Chief of the Army and Navy, and if he gave orders to an admiral to stop smuggling on a certain coast you could bet your life that such smuggling would be stopped, for that admiral would obey orders.

Mr. ABERNETHY. Will the gentleman yield?

Mr. BLANTON. In a moment. Here is our distinguished friend from Pennsylvania [Mr. BUTLER], a man whom we all love and whom everybody loves. I want to say that his distinguished son, a general in the Marine Corps, Gen. Smedley Butler, is no "goody-goody" sort of a fellow. He is a man who would take a drink if he wanted one, though I do not know whether he ever wants one or not. He is not a strict prohibitionist in any sense of the word, so I have been told. He has likely never run with prohibitionists so very much since he left his father's home. [Laughter.] He has been in the service, thrown with all kinds of men.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield there?

Mr. BLANTON. But I want to say this: That when the great city of Philadelphia could not enforce the law it asked for that great man from our Marine Corps to be loaned to them, and our Government loaned him to the city of Philadelphia, and he took his general's uniform off, and he has been enforcing the law to the letter in that great city ever since. And I want to say that whenever that banquet is held by the American citizens in his honor, which is to come off before very long, if I am in the State of Texas or anywhere else I am going to traverse the United States to Philadelphia to be present and help do honor to one of the greatest men in this Nation. [Applause.]

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ABERNETHY. Is not the enforcement of the law in a large measure now, so far as the ocean is concerned, in the Coast Guard?

Mr. BLANTON. Partially so; but, unfortunately, the head of all enforcement is in the Treasury Department.

Mr. ABERNETHY. What other agency of the Government could we use?

Mr. BLANTON. I will tell you in just a minute.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HUDSON. Does not the gentleman know that it is on record of General Butler, that while he is the enforcement officer of Philadelphia he takes no drink? Put that in the Record.

Mr. BLANTON. Of course he does not drink while enforcing prohibition, because he is honest. But when he wore a general's uniform in the Marine Corps he was not enforcing prohibition, and he may then have taken a drink whenever he saw fit, though I do not know whether he did or not.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. COOPER of Ohio. I know that the gentleman wants to see the law enforced. Has the gentleman any reason to believe that if the Coast Guard is given the appropriation and these men it will not enforce the law?

Mr. BLANTON. I have not gotten that far yet.

Mr. COOPER of Ohio. The gentleman knows, in the first place, that they are the Revenue Cutter Service of our country. They guard our shores. That is not the work of the Navy. I believe they are in a better position to enforce the law against rum runners than the Navy itself.

Mr. BLANTON. You know this: That this country is being filled with liquor all the time, and it is still coming in here.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BARKLEY. What intimate knowledge has the gentleman as to the proclivities of General Butler for drinking, either within or without the service, and what relation has that to this bill?

Mr. BLANTON. I do not know personally that he ever took a drink in his life. I can only speak from information. I know that it is reported that when he became enforcement officer of Philadelphia he said, "I will not take another drink," and he has not taken one since, so I am informed. I infer from that that he formerly took one when he wanted to, though he may not have wanted to.

Mr. BARKLEY. It may be that the remarks of the gentleman might do General Butler a great injustice.

Mr. BLANTON. I thank the gentleman from Kentucky. If I get permission to revise my remarks I will put that in. I will say that there is not a man in the United States who has

a higher regard for General Butler than I, whether he ever took a drink or not.

Mr. UPSHAW rose.

Mr. BOYCE. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I will yield first to the gentleman from Georgia [Mr. UPSHAW]. He is about the best-informed gentleman on that subject that I know of.

Mr. UPSHAW. I was going to ask the gentleman about the proprieties, as suggested by the gentleman from Kentucky [Mr. BARKLEY]. I was going to ask him to revise his speech in his reference to General Butler. General Butler stated that while originally he was not a prohibitionist, he would not take a drink while he was engaged in enforcing the laws in Philadelphia.

Mr. BLANTON. I can only say to the gentleman that I can delete my own remarks, but I can not those of the gentleman from Georgia—

Mr. UPSHAW. I say this because I would like to crown General Butler as an efficient man, loyal to his oath. But I do not think any officer of the Army or Navy ought to drink the liquor outlawed by the Constitution of his country.

Mr. BOYCE. Now, Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BOYCE. Is not the gentleman discussing extraneous matters?

Mr. BLANTON. I am only answering questions. I have promised time to others, and I do not wish to consume much time myself.

Mr. BOYCE. I was going to ask if the gentleman's remarks were pertinent to the merits of the bill. But the gentleman is always interesting. Will not the gentleman please confine his remarks to the merits of the bill?

Mr. SCHAFFER. Mr. Chairman, will the gentleman yield for a question?

Mr. BLANTON. I will if it is on the bill.

Mr. SCHAFFER. Do you not think that the so-called menace caused by rum smuggling will diminish if we allow and permit the manufacture of 2½ per cent beer?

Mr. BLANTON. I do not answer any questions directed against the Constitution of the United States. [Laughter.] There are numerous lawyers on this floor, some of national repute. I want to ask any one of them to get up here and say whether he knows anything in the Constitution that keeps this Government from using the Navy under just such circumstances as these? If there is a lawyer here, I yield to him now if he claims that there is anything in the Constitution that keeps us from so using the Navy. I pause for reply. I see that there is no one arises to make that claim.

Mr. UPSHAW rose.

Mr. BLANTON. Just a moment. Are you a lawyer?

Mr. UPSHAW. No; I am not a lawyer.

Mr. BLANTON. Well, I yielded to lawyers, not to laymen. I yielded only to lawyers.

Mr. UPSHAW. Just a moment. I am not a lawyer, but I am a constitutional patriot enough to know that the President has the right to employ the Navy if necessary to protect the Constitution of the country.

Mr. BLANTON. Why does he not do it, then, Harry Daugherty to the contrary notwithstanding? [Applause.]

Mr. UPSHAW. I agree with the gentleman.

Mr. BLANTON. I want to say that there is a way to enforce the prohibition laws without these additional 175 new commissioned officers, these 418 new warrant officers, and these 3,789 extra men. There is a way in which you can use the men, concerning whom there was something said about barnacles from inactivity by the gentleman from Massachusetts [Mr. WINSLOW] a while ago.

Mr. WINSLOW. Will the gentleman allow me to correct him?

Mr. BLANTON. Yes; certainly.

Mr. WINSLOW. I referred to ships, not to the men.

Mr. BLANTON. I thought when the gentleman referred to the ships he was referring also to what the ships carried.

Here is a resolution which I introduced on January 3, a joint resolution, which has the same force and effect of a bill.

House joint resolution.

Whereas in purposed disregard and violation of the fundamental laws of the Nation organized bands of rich and influential conspirators of national and international prominence are engaged in the nefarious business of unlawfully smuggling intoxicating liquors, narcotics, and aliens into the United States; and

Whereas hundreds of thousands of American laborers are now unable to obtain employment and are without means and opportunity of earning a livelihood for their families, and said smuggled aliens

are constantly robbing them of jobs as same become available, thus taking from the mouths of American wives and little children the necessities of life; and many of such smuggled aliens are lawless thugs and anarchists who hate all forms of civilized government, and whose policy and purpose here is to tear down and destroy rather than to build up, and whose presence, acts, and whereabouts our Government has no means of checking or keeping any record thereof; and

Whereas by reason of the fact that on our north the boundary between the United States and Canada is 3,979.7 statute miles, and (counting tidal shore line, unit measure 1 statute mile) on our east the Atlantic coast is 11,679 miles, and on our south the Gulf coast is 6,418 miles, and the boundary between the United States and Mexico is 1,993 miles (sinuosities of river counted), and on our west the Pacific coast is 3,765 miles, it is impossible with civil officers alone to properly police and guard such borders, and it is impossible for civic authorities alone to stop such law violations, which are becoming so prevalently stupendous as to bring our fundamental laws into national and international disrepute, and to seriously menace our institutions; and

Whereas in certain States and in certain large cities like New York, Philadelphia, and Baltimore the local authorities are in open rebellion and insubordination against the eighteenth amendment to the Constitution of the United States and the laws passed by Congress in enforcement thereof, and such authorities not only fail and refuse to enforce such laws and to cooperate with the Government in enforcing same but also they, by their public actions, invite citizens to ignore, belittle, and violate same at will and in open defiance of the Constitution and laws of the United States Government, permit scores of unlawful saloons to be run daily in such cities, unlawfully selling intoxicating liquors to thousands of citizens, and civil officers of the United States take their lives in their hands whenever they attempt to arrest any of said offenders, numerous civil officers of the Government having been ruthlessly murdered while performing such duties, and in many instances local officers of cities have resisted Government officers in making arrests; and

Whereas section 8 of Article I of the Constitution of the United States directs Congress to make rules for the government and regulation of the land and naval forces, and to provide for calling forth the militia to execute the laws of the Union; and

Whereas section 2 of Article II of said Constitution constitutes the President of the United States the Commander in Chief of the Army and Navy and of the militia of the several States when called into actual service of the United States; and

Whereas section 3 of Article II of said Constitution provides that the President shall have the laws of the United States faithfully executed; and

Whereas the "bootleggers" of the world know that practically all of our revenue cutters are old, slow, and obsolete, few capable of making 12 knots per hour, and such bootleggers are operating boats of greater speed, while our Navy owns destroyers capable of making 25 knots per hour and owns numerous submarine chasers, many being surplus, and many of which can make 18 knots per hour, and which cost the Government over ten times the price at which our Navy has been offering them for sale, and many being suitable for use in suppressing smuggling; and

Whereas we now have in our Army 11,574 officers and 116,663 enlisted men, and we now have in our Navy 7,783 officers and 86,242 enlisted men, and we now have in our Marine Corps 1,132 officers and 20,390 enlisted men, upon whose hands the monotonous routine of peace time always hangs heavily, and which aggregate force, maintained and paid through burdensome taxation of the people, could promptly suppress all unlawful smuggling into the United States, and all rebellious defiance of our Government and its Constitution and laws of the United States, without impairing the morale of such forces or the security of our country; and

Whereas using the Army and Navy in suppressing smuggling and rebellious defiance of our Government and laws would save the people the expense of furnishing them other amusement, such as sending a great fleet on a trip to Panama, the press reporting to-day that "Admiral Coontz had just weighed anchor for Panama, where he will command 15 battleships, 4 light cruisers, 63 destroyers, 11 submarines, and 87 airplanes"; and

Whereas the mere passage of this resolution authorizing the President to use the Army and Navy will immediately strike terror into the hearts of all offenders and cause such crimes to stop: Therefore be it

Resolved, *etc.*, That the President be, and he is hereby, authorized and directed to use and employ the entire naval and military forces of the United States, including the militia, the entire facilities of the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation, the entire facilities of the inland and coastwise waterways service, and the resources of the Government, or so much of any of the above as he may deem necessary, in suppressing all such unlawful smuggling into the United States, and in suppressing all such rebellious defiance of our Government and its Consti-

tution and laws, and to enable the President to bring such insubordinate law violations to a successful termination, and to faithfully execute the laws of our Republic as required of him by the Constitution, all of the resources of the country are hereby pledged by the Congress of the United States.

I want to ask my friend from Massachusetts [Mr. WINSLOW], I want to ask this Committee of the Whole House on the state of the Union, and I want to ask every Member present why should not there be such a resolution as that passed if you honestly want to stop the smuggling of intoxicating liquor into the United States?

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. SPROUL of Kansas. Does not the gentleman's resolution, in specially authorizing the President to use the Army and the Navy of the Nation to enforce these laws, assume that the President does not now have that authority?

Mr. BLANTON. Attorney General Daugherty has held that he has not, and, because of such holding, I am seeking to have the Congress give him the authority, so there will no longer be any question about it. The President is not enforcing these laws now. I know that President Harding, our deceased President, decided that he would enforce them; I know that shortly before his death he intended to enforce them, and I believe that if he had lived he would have made a special effort to have these laws enforced by this time.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. COOPER of Ohio. I know the gentleman wants to be fair. He knows the President of the United States has asked Congress to pass this bill in order to help him enforce these laws?

Mr. BLANTON. That is what I am talking about now. Why did not he ask for the Navy? We have it already. It would not cost anything extra. Its 94,025 officers and men are idle. I think this bill is a foolish bill. With these additions, the combined Coast Guard can not watch even a small part of one coast. The gentleman from Ohio knows how highly I regard him and his ideas on this question. I stand right with him, shoulder to shoulder, on this prohibition question, but this bill will not stop smuggling, and we all know it.

Mr. COOPER of Ohio. I do not know whether the gentleman intended to leave the impression or not, but he made the statement that the President of the United States was not enforcing these laws.

Mr. BLANTON. Well, is he? Will anyone here say he is?

Mr. COOPER of Ohio. He asks for this bill so that he can enforce them.

Mr. BLANTON. Well, is he enforcing the prohibition laws?

Mr. COOPER of Ohio. If the gentleman wants him to enforce these laws he will support this bill.

Mr. BLANTON. Is he now enforcing them?

Mr. COOPER of Ohio. He is doing the best he can with the material he has.

Mr. BLANTON. That is the trouble. He has not the material, and this bill does not give him the proper material. I want to ask the distinguished gentleman from Ohio and this committee, with all the coast we have, the Atlantic coast and the Pacific coast, the hundreds of miles along the Mexican border and the hundreds of miles along the Canadian border, whether they believe that with these 175 extra commissioned officers manning as many ships as they can man they can adequately guard that coast?

Mr. STEPHENS. Will the gentleman yield?

Mr. BLANTON. I will yield, but first I want to let my colleagues answer that if they can. Do any of you think that?

Mr. WINSLOW. If the gentleman is asking that directly of me I will answer that I do not think they can.

Mr. BLANTON. Then why does the gentleman propose this futile bill?

Mr. WINSLOW. I make that statement for this reason: That the Government of the United States, the President, and all the others, are no more competent to get 100 per cent perfection in results desired than is the gentleman himself as a legislator. [Applause.]

Mr. BLANTON. But the President can get results with the Navy, and I want to give him the Navy and let him get results. I want to say this: I know a distinguished young man in Washington who has been to Annapolis; he was marching down the street here not long ago and a well-dressed, fine-looking man, about 35 or 40 years old, stopped him and said, "I see you are wearing your Annapolis insignia," a ring or watch, or whatever it was. The young man said, "Yes." The man

said, "Are you a navigator?" The young man said, "Yes; I have had training at Annapolis." This man said, "Well, I will tell you; you are the very man I need." He said, "I want to make a proposition to you." He took him off and this was the proposition he made. He said, "I have been employed in the Revenue Cutter Service; I have been stationed on the coast of Florida and have been working at it for several years." He said, "We condemned a liquor smuggling boat that we caught down there some time ago and it was such a fine one that I saw a chance to make some money, and I bought it in, with some little help that I was able to get." He said, "I have resigned my position, and it is just 90 miles from our coast down there over to where we can get all the liquor we want." He said, "We can make \$12 net profit a case easily."

Mr. KINDRED. More than that.

Mr. BLANTON. He said, "We can make \$12 a case net profit and not risk a dollar under the agreement I have made and we do not run any risk, and we can bring numerous boatloads across each week." He said, "I know of a little inlet down there which I do not believe is known to anybody else, where we can come in and land, but," he said, "I need a navigator, and if you will come in with me I will guarantee you \$1,000 a month." That was his proposition to this young ensign of this Government. But the young fellow happened to be honest and he said, "You are talking to the wrong man."

Mr. STEPHENS. Will the gentleman yield now?

Mr. BLANTON. Yes.

Mr. STEPHENS. If we furnish the Navy and all of the Army and put them into this service, does the gentleman think they could enforce these laws?

Mr. BLANTON. Yes; they could. And they would stop smuggling. I will tell the gentleman what I believe. If you would pass such a resolution as the one I read you to-day, giving the President of the United States not the Army but just the Navy to enforce this law, I do not believe you would have very many attempts at smuggling after it became generally learned by smugglers. I honestly believe that. Do not ever believe that the foreign smugglers, like that English lord who urged men to subscribe to his project and said, "I will guarantee you so much profit and return on your money every month."

Mr. STEPHENS. How about the Canadian border?

Mr. BLANTON. The same way it could be protected by the Army.

Mr. STEPHENS. You would have to have the Army, too, would you not?

Mr. BLANTON. Yes, as to land borders; but so far as our water fronts are concerned you would strike terror into every smuggler of the world if they knew our Navy was after them.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. SCHAFER. You have just related a little story which impressed me as being a conspiracy to defeat law enforcement. Being a strong advocate of law enforcement, have you reported the little incidents as you related them to us a few moments ago to the proper officers, so they can watch these men who want to willfully violate the eighteenth amendment?

Mr. BLANTON. The gentleman would have me wasting my time reporting one case when there are thousands of such cases of law violations over the United States. I am not engaged as a revenue-enforcement officer or as a liquor-enforcement officer. I am a legislator here, busy all the time in the House. I am looking at the question from a broad, fundamental, national standpoint and not looking at one little violator. I am looking at the question with the purpose and the intent to stop it nationally.

Mr. NEWTON of Minnesota and Mr. KINDRED rose.

Mr. BLANTON. I am sorry I can not yield to further questions. I promised to yield some time to others, and I am not going to take up any more time. I reserve the balance of my time, Mr. Chairman.

Mr. WINSLOW. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. HILL].

Mr. HILL of Maryland. Mr. Chairman, the gentleman from Texas also said he would yield me 10 minutes.

Mr. BLANTON. Mr. Chairman, I yield five minutes to the gentleman. I have promised so much time and so much of my time was taken up with questions—

Mr. HILL of Maryland. Can not the gentleman yield me the 10 minutes the gentleman said he would yield me?

Mr. BLANTON. I yield the gentleman five minutes.

Mr. HILL of Maryland. Mr. Chairman, I would like to ask the gentleman if he can not yield me the 10 minutes he agreed to yield.

Mr. WINSLOW. Mr. Chairman, when I yielded time to the gentleman it was on the assurance that the opposite side would not yield any time at all.

Mr. HILL of Maryland. Mr. Chairman, I yield back the time the gentleman from Massachusetts yielded me. I told him the gentleman from Texas had promised me 10 minutes, but I doubted if I would get it, in view of the many questions being asked the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, may I say that I took up much more time because of questions than I intended, and that is the reason I can not yield the gentleman 10 minutes.

The CHAIRMAN. The gentleman from Maryland has the floor.

Mr. HILL of Maryland. I have five minutes, have I not?

The CHAIRMAN. The gentleman is recognized for 10 minutes.

[Mr. HILL of Maryland was given permission to revise and extend his remarks.]

Mr. HILL of Maryland. Mr. Chairman and gentlemen, on March 6 the Senate passed the Treasury appropriation bill, which we had previously passed, and on page 25 there is this item:

Total, Coast Guard, exclusive of commandant's office, \$10,516,944.

On February 12 there was reported into this House, and there will soon be taken up for consideration, the first deficiency appropriation bill. At page 36 of the first deficiency appropriation bill appears the following item:

In all, Coast Guard, \$13,887,007.07.

Gentlemen of the committee, this makes an appropriation of \$24,403,951.07 for the Coast Guard for the ensuing year. This is \$2,157,384.01 more than your total appropriation for the Navy in 1890. Your appropriation for the Navy in 1890 was \$22,246,567.06. Your appropriation for 1910 was \$137,779,550.31.

Now, gentlemen, you are asked to spend an additional \$13,000,000 of the people's money. I am against this bill, and I must confess I am against this bill with a great deal of hesitation, because I dislike very much to be against anything that is specifically advocated by the President of the United States, and the President of the United States does advocate this. I invite your attention to page 19 of the hearings before the committee containing the letter of the President to the Speaker of the House, in which he calls attention to the alleged necessity for this expenditure of nearly \$14,000,000, and in which he sums up the need of equipping 20 torpedo-boat destroyers at \$100,000 each and the other items. The President's letter, with part of the letter from the Director of the Budget, is as follows:

THE WHITE HOUSE,
Washington, February 1, 1924.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,

SIR: I have the honor to transmit herewith for the consideration of Congress supplemental estimates of appropriations for the Treasury Department for the fiscal year 1924, for increasing the equipment and personnel of the United States Coast Guard, amounting to \$13,853,989.

The purposes of the appropriations requested, the necessity therefor, and the reasons for the submission of the estimates at this time are set forth in the letter of the Director of the Bureau of the Budget transmitted herewith, with whose comments and observations thereon I concur.

Respectfully,

CALVIN COOLIDGE.

BUREAU OF THE BUDGET,
Washington, February 1, 1924.

SIR: I have the honor to submit herewith for your consideration, and upon your approval for transmission to Congress, supplemental estimates of appropriations for the Treasury Department for the fiscal year ending June 30, 1924, for increasing the equipment and personnel of the United States Coast Guard, amounting to \$13,853,989.

In your annual message to the Congress, referring to your duty to enforce the laws preventing violation of the prohibition amendment to the Constitution, you presented the need of greatly strengthening the United States Coast Guard to prevent smuggling, and expressed your opinion that a supply of swift power boats should be provided for this purpose.

Here is the most important portion of the letter of the Director of the Budget:

Briefly summarized, the estimates provide for the procurement by transfer from the Navy Department of the 20 torpedo-boat destroyers of the second line and the 2 mine sweepers or other similar type of vessel above referred to; also for the building or purchase of 223 "cabin cruiser" type motor boats, with necessary equipment, including radio installation; the building or purchase of 100 "Seabright

dory" type motor boats, with necessary equipment; the reopening of 19 life-saving stations now on the inactive list; the organization of 24 section bases for supervising the activities of the vessels and boats engaged in the prevention of liquor smuggling; the establishment of 3 receiving stations for the equipment and training of recruits; and the necessary provisions for pay and allowances of the temporary commissioned and enlisted personnel; for rations, supplies, equipment, travel, contingent expenses, and other incidental items; and finally for an increase in the civilian personnel at Coast Guard headquarters to handle the greatly increased administrative work which will undoubtedly result from the increased activities.

The details of the estimates submitted herewith are as follows:

Coast Guard, 1924 (additional vessels and boats):	
Conditioning and equipping 20 torpedo-boat destroyers, at \$100,000 each	\$2,000,000
Conditioning and equipping 2 mine sweepers or other suitable type of vessel, at \$55,000 each	110,000
Construction of 223 "cabin cruiser" type motor boats, at \$37,500 each	8,362,500
Equipment for same, including radio outfits	909,900
Construction of 100 "Seabright dory" type motor boats, at \$37,500 each	3,750,000
Equipment for same, at \$125 each	12,500
Total	12,194,900

Coast Guard, 1924:	
Pay and allowances of commissioned, warrant, and enlisted personnel, etc.	945,179
Rations or commutation thereof for petty officers and other enlisted men	807,001
Fuel and water for vessels, stations, and houses of refuge	170,783
Outfits, ship chandlery, and engineers' stores	265,351
Rebuilding and repairing stations, etc.	24,775
Gratuities to dependent relatives of deceased officers and enlisted men (act of June 4, 1920)	2,500
Mileage, travel expenses, etc.	100,000
Contingent expenses, etc.	56,333
Total	1,645,622

The expenditure called for is \$13,853,989 in addition to the \$10,516,944 you have already appropriated for the Coast Guard for the ensuing year.

I hesitate, as I say, to oppose such an appropriation, but I do not think you can let your enthusiasm for law enforcement—and "law enforcement" in this bill means prohibition enforcement, attempted enforcement of the Volstead Act and the eighteenth amendment, and does not mean general law enforcement—you can not allow your hysteria for prohibition enforcement to blind you to the essential facts of the case.

What is the status of the Coast Guard?

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield for just a short question?

Mr. HILL of Maryland. I am sorry I can not yield at this time. I will yield later.

I invite your attention to page 15 of the hearings, on which are the matters on which I attempted to question the chairman of the committee. There are only a few lines, and I will read them:

Mr. CROSSER. What is the general scope of the Coast Guard Service? Admiral BILLARD. The general duties?

Mr. CROSSER. Yes.

Admiral BILLARD. Well, that is a rather long story, because one of the characteristics of the Coast Guard is the great multiplicity of its duties. We become part of the Navy in time of war, or whenever the President shall so direct.

I also want to invite your attention to page 5 of the hearings, a portion of which I will now read, in which Admiral Billard says this kind of work for enforcing prohibition is new to the Coast Guard and not their regular business:

Mr. SANDERS. In selecting these officers it would be a little more difficult than to get officers for regular Coast Guard work, will it not? That is, this sort of work for the Coast Guard is not as desirable as ordinary Coast Guard work. How do you find that?

Admiral BILLARD. Of course, it is a different kind of work. You see, our regular Coast Guard officers are trained three years in the academy and are carefully picked. We know that we have got to carry them, if they behave themselves, for the rest of their lives. We are extremely careful about it. These officers are all temporary officers, corresponding to the temporary officers that the Navy took in during the war.

In view of these statements, I can not believe that the proposed legislation will be effective if passed. Furthermore, the Coast Guard now can be put under the Navy for any purpose Congress desires, at the direction of the President.

I have in my hands the opinion of the Attorney General of the United States. The Attorney General says that under existing law the President can not order the Navy to enforce the national prohibition act, but he does cite on page 506 of

his opinion numerous cases in which the President of the United States has used the Navy when he deemed an emergency existed.

The Attorney General says that there is no present emergency which justifies the President to use the naval power, but the Attorney General shows clearly that you can—Congress can—place the Navy at the disposal of the President for this temporary purpose. The opinion of the Attorney General has been often misquoted and I ask you to read it. It is as follows:

USE OF NAVAL FORCES IN THE ENFORCEMENT OF THE NATIONAL PROHIBITION ACT.

The President has no authority to use the naval forces in the enforcement of the national prohibition act when no emergency exists.

There can be no emergency authorizing the President to call out the naval forces to enforce civil and criminal laws until the courts and civil departments of the Government are no longer able to enforce them.

There are no unlawful obstructions, combinations, or assemblages of persons or rebellion against the authority of the Government of the United States in the enforcement of the national prohibition act and of the revenue laws of the United States such as to render it impracticable to continue to enforce these laws by the ordinary course of executive and judicial proceedings.

DEPARTMENT OF JUSTICE,

September 13, 1923.

SIR: I have the honor to acknowledge receipt of your letter requesting my opinion as to whether it lies within your power to use the naval forces of the United States in the enforcement of the national prohibition act, in the absence of a national emergency, and whether, if such question is answered in the negative, an emergency now exists such as to authorize you to call upon the Navy to help enforce the civil and criminal laws of the United States.

The constitutional powers of the President are expressed in Article II, section 2, of the Constitution of the United States, as follows:

"(1) The executive power shall be vested in a President of the United States of America. * * *

"SEC. 2. (1) The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into actual service of the United States; * * *

"SEC. 3. * * * He shall take care that the laws be faithfully executed; * * *."

The constitutional powers of Congress are expressed in Article I, section 8, of the Constitution of the United States, as follows:

"SEC. 8. (1) The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; * * *

"(11) To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

"(12) To raise and support armies, * * *

"(13) To provide and maintain a Navy; * * *

"(14) To make rules for the government and regulation of the land and naval forces; * * *

"(15) To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions; * * *

"(18) To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

"SEC. 9. (7) No money shall be drawn from the Treasury but in consequence of appropriations made by law; * * *"

In pursuance of its constitutional powers the Congress at an early date in the history of our Government established a Navy as one of the war arms of the Government and a Department of the Navy to administer the naval power authorized by the Constitution.

Revised Statutes, sections 415 and 417, taken from the act of Congress of April 3, 1798 (1 Stat. 553), provides:

"SEC. 415. There shall be at the seat of government an executive department, to be known as the Department of the Navy, and a Secretary of the Navy, who shall be the head thereof; * * *

"SEC. 417. The Secretary of the Navy shall execute such orders as he shall receive from the President relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the Naval Establishment."

Under Article I, section 9, of the Constitution, supra, by act of Congress the heads of departments of the Government are required annually to communicate estimates of expenditures and appropriations needed for the various branches of the Government for the following fiscal year to the Secretary of the Treasury and to the President,

who shall transmit the same to Congress with information on the state of the Union, making such recommendations as he may deem appropriate.

Section 3678 of the Revised Statutes, relating to appropriations by Congress, provides:

"All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others."

In accord with the statutes providing for the estimates of the expenses of the Department of the Navy and the maintenance of the Navy the Congress on January 22, 1923, passed an act appropriating for the fiscal year ending June 30, 1924 (42 Stat. 1134):

"For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department or any of its subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper, \$40,000."

Naval vessels are men of war and in time of war are used for war purposes. In time of peace section 1534 of the Revised Statutes provides—

"The President is authorized to keep in actual service in time of peace such of the public armed vessels as, in his opinion, may be required by the nature of the service, and to cause the residue thereof to be laid up in ordinary in convenient ports."

In the light of the above review of the constitutional provisions and statutory regulations necessary for consideration of the subject, your two questions will be considered in their order following:

(1) May the President of the United States use the naval forces to enforce the national prohibition act when there is no emergency?

(2) Are there conditions of violations of the national prohibition act authorizing him to lawfully declare an emergency of law enforcement to exist and to call forth the naval forces to enforce the national prohibition act and revenue laws of the United States in our territorial waters?

The Congress has passed no special statute authorizing the President to use naval vessels to enforce the national prohibition act within our territorial waters, nor to execute the civil or criminal laws of the United States, except in cases of emergency, as provided for in sections 5298 and 5318 of the Revised Statutes of the United States.

There seems to have been but one instance in the history of our country in times of profound peace when Congress did authorize the use of naval vessels to enforce the civil or criminal statutes of the United States directed against individuals and when and where no emergency existed.

Article I, section 9, of the Constitution permitted the importation of slaves into the United States up to January 1, 1808.

March 2, 1807, the Congress passed an act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States from the 1st day of January, 1808, and provided that it should be lawful for the President of the United States to use the naval forces for the purposes of enforcing said act against the slave trade (2 Stat. 426, 428). Under authority of said statute the President of the United States used naval vessels to enforce the act of Congress against the slave trade.

July 13, 1861, the Congress passed an emergent act (12 Stat. 255, 257) providing that where the collection of duties on imports at ports of the United States where insurrection existed were resisted by force or by combination or assemblages of persons too great to be overcome by officers of customs it should be lawful for the President to employ such part of the Army, Navy, or militia of the United States as might be deemed necessary for the purpose of enforcing the customs laws.

It would therefore seem that Congress did not consider that the President of the United States possessed the power to use the naval forces in time of peace for the execution of civil or criminal laws without its expressed authorization.

There are some statutes authorizing the President to use the naval forces under certain circumstances, such as to execute processes of courts when officers of the United States are unlawfully obstructed from doing so; to protect the timber of the United States; to execute the quarantine laws; to protect extradited prisoners; to observe the neutrality of our country; to expel foreign offensive vessels; to suppress insurrections and rebellions, and robbery on the high seas; to aid distressed navigators, salvage vessels, and remove derelicts; and to prevent the slave and coolie trade. However, none of these special statutes confer authority for the use of the naval vessels to enforce ordinary civil and criminal statutes such as the national prohibition act and the revenue laws.

Instances have been cited where naval vessels have been sent by the President to protect national rights and citizens in foreign countries and to perform missions of mercy for people in distress, but the power to put the Navy to such uses is found in special appropriation bills, such as the act of January 22, 1923, supra, pro-

viding for unforeseen contingencies. Enforcing the civil and criminal laws of the United States can hardly be classed as unforeseen contingencies.

It has been suggested that the President by virtue of his combined constitutional powers, as Commander in Chief of the Army, Navy, and militia, when in the service of the United States, and the duty that rests upon him to see that the laws are enforced, may use the Navy to enforce the eighteenth amendment and the national prohibition act within our territorial waters.

The Supreme Court of the United States in the case of *Johnson v. Sayre* (158 U. S. 109, 114) quoted the clauses of the Constitution empowering Congress to provide and maintain a Navy and to make rules for the government and regulation of the land and naval forces of the United States, and, commenting thereon, said:

"Congress is thus expressly vested with the power to make rules for the government of the whole Regular Army and Navy at all times; and to provide for governing such part only of the militia of the several States as, having been called forth to execute the laws of the Union, to suppress insurrections, or to repel invasions, is employed in the service of the United States."

While the particular clause of the Constitution in issue in that case was that authorizing the Congress "to make rules for the government of the land and naval forces," the Supreme Court declared that Congress is thus expressly vested with the power to make rules for the government of the whole Regular Army and Navy at all times. The clause of the Constitution authorizing Congress "to provide and maintain a Navy" confers on it the power of determining when and for what purpose the naval forces of the United States may be used. It follows that the constitutional provision constituting the President the Commander in Chief of the Army, Navy, and militia would not give power to use the Navy in a manner other than as authorized by Congress.

The appropriations made by Congress for the fiscal year ending June 30, 1924, are specially allotted for specific objects with the exception of the appropriation of \$40,000, which is to cover emergencies and extraordinary expenses arising at home or abroad impossible to be anticipated or classified. Surely expenses incident to the enforcement of prohibition and internal revenue laws could not come under such designation.

Congress having thus expressly limited the uses of public funds, the Executive may not disregard such limitations when interposed within constitutional powers. I am of the opinion, therefore, that you have no authority to use the naval forces in the enforcement of the national prohibition act when no emergency exists.

The second question presented is—

Are there such violations of the national prohibition act and of the revenue laws within the territorial waters of the United States as authorize the President to declare an emergency to exist and call out the naval forces to execute the civil and criminal laws?

Section 5298 of the Revised Statutes provides—

"Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce, by the ordinary course of judicial proceedings the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed."

And section 5318 of the Revised Statutes provides—

"In the execution of laws providing for the collection of duties on imports and tonnage, the President, in addition to the revenue cutters in service, may employ in aid thereof such other suitable vessels as may, in his judgment, be required."

Both these statutes were Civil War acts and were passed to empower the President to use the naval forces in the States in insurrection to collect the import duties where their collection was unlawfully resisted and where the execution of the laws of the United States was unlawfully obstructed and could not be enforced in the ordinary course of executive or judicial proceedings.

An emergency authorizing the President to call the military and naval forces to execute the laws exists only when by reason of unlawful obstruction, combinations, or assemblages of persons, or rebellion against the authorities of the United States, it becomes impracticable in the judgment of the President to enforce the laws by the ordinary course of executive or judicial proceedings.

There can be no emergency authorizing the President to call out the naval forces to enforce civil and criminal laws until the courts and the civil departments of the Government are no longer able to enforce them.

While there have been numerous violations of the national prohibition act, both on land and within our territorial waters, there have been no unlawful obstructions of the functions of the courts or restraint of their processes, or of the Coast Guard, the Division of Customs, the prohibition unit, nor of the marshals and their deputies of the Department of Justice. All the departments of the Government are functioning and making a steady advance against lawless elements.

In general the prohibition act is being enforced. There are stubborn exceptions in congested localities in some of which local support has not been rendered. There are places where public opinion is unfriendly and the enforcement of this law is difficult. But I can not believe that such isolated cases constitute a national emergency within the meaning of the act of Congress above quoted.

I am, therefore, of the opinion that there are no unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States in the enforcement of the prohibition statutes, such as render it impracticable to continue to enforce these laws by the ordinary course of executive and judicial proceedings.

Respectfully,

HARRY M. DAUGHERTY.

To the PRESIDENT.

You will see from this opinion that no emergency exists, but that Congress can put the Navy at the disposition of the President at will, and thus save \$13,887,007.07.

The Committee on Appropriations has held lengthy hearings and, according to the statement of the heads of the Coast Guard, Admiral Billard and Commander Root, there is a war going on which is a rebellion or an invasion of the United States, although apparently the Attorney General dissents. If you will read the testimony of the Coast Guard people who want these extra ships and men, and also extra motion, you will think the United States is menaced; but I hold in my hand what the gentlemen on the prohibition side of this House ought to regard as sacred literature, and I am going to read to you the statement of Federal Prohibition Commissioner Roy B. Haynes that all this talk about smuggling being the great source of prohibition violation is bunk; and if you believe Roy B. Haynes, all the gentlemen who favor this pending bill are propagandists for the bootlegger. I invite your attention to this book, *Prohibition Inside and Out*, published in the newspapers serially as "Marked for death by rum runners," as an official story but copyrighted and, I understand, a source of over \$200,000,000 of profit to, of, and by Roy B. Haynes.

From page 15 I quote the following:

It is virtually impossible to buy good whisky from the illicit-liquor interests in the United States to-day.

What the bootlegger offers as high-grade imported whisky or bottled-in-bond stuff is neither. In 95 per cent of the cases or more it is moonshine—not pure and simple, but watered, thinned down, adulterated, and fearfully doctored with chemicals, many poisonous, to give it color, a "kick," and a bead.

The moonshine still is the bootlegger's chief source of supply. From what other place can he get his liquor in quantity? Surely not from the rigidly controlled bonded warehouses; they are eliminated at once. As to smuggling liquor, some, it is true, is brought into the country, but not one-tenth as much as the illegal traffic would have us believe.

When reports of huge smuggling operations are circulated it should be remembered that the illicit-liquor interests are conducting a great and elaborate propaganda campaign to discredit law enforcement, and that the spreading of such reports is part and parcel of that campaign. No bootlegger, of course, is willing to admit that he can obtain only adulterated moonshine. Hence fanciful tales of the wet wave sweeping in on our coasts and other related falsehoods swung from mouth to mouth to hide the real and dangerous origin of what the bootlegger has to sell.

I protested against Haynes's use of the word "official" on the newspaper publication of this story, because if it was "official" it should not be copyrighted and sold to a few papers, but be given to all. The Treasury required Haynes to drop the word "official," but if Haynes is fit to be prohibition commissioner we must credit these statements.

I again invite the attention of the committee to pages 69, 70, and 71 of the so-called official statement of Federal Prohibition Commissioner Haynes, which, as I understand it, is sold at \$2.50 per volume. Under the head of "Running the Rum Blockade," Mr. Haynes says:

It was a new thing when the "rum fleet" was first heralded as rocking at anchor outside of the 3-mile limit off the Jersey coast. There was an impudent daring about the proceeding that sent the story booming over the wires to newspaper front pages everywhere. The "wets" chortled with glee. They foresaw a difficult task for the Government in finding means to plug this leak that seemed so big.

What they did not realize, or would not, was that even stretched to the utmost limit of possibility this was no more than a mere leak. In the actual amount of illicitly transported liquor it brought to our shores, it was as the dregs in the glass when compared with what we normally consumed prior to the enactment of the eighteenth amendment.

Note what Haynes says: "Smuggling is no more than a mere leak." Will you spend \$13,887,007.07, and then some, to try and stop what Haynes calls "a mere leak"?

Mr. CRAMTON. Mr. Chairman, will the gentleman state whether his opposition to the bill is based upon the statement he has just read?

Mr. HILL of Maryland. I state that my opposition to the bill is based on this statement in part, and I will say to the gentleman—

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. HILL of Maryland. Mr. Chairman, I ask one more minute from the gentleman from Texas, if he will kindly grant it.

Mr. BLANTON. Mr. Chairman, while I do not agree with the gentleman, I am constrained to yield him one minute more.

Mr. HILL of Maryland. I want to quote just these few lines more of Federal Prohibition Commissioner Haynes's testimony:

When all is said and done, what is the truth about smuggled liquor? It is not difficult to find the answer. The greatest possible measure of the traffic is written in the official records of Great Britain, France, Cuba, and other nations which are the only source of supply for the smuggling traffic.

Assume, if you will, that all of the liquor exported by all of those countries into all the ports from which smuggling is physically possible actually was smuggled into the United States.

If that impossible situation really existed, the United States would get from smugglers less than 1 per cent of the amount of liquor she drank prior to prohibition. Specifically the figure would be approximately two-thirds of 1 per cent.

In effect the official export records of foreign countries show that prohibition enforcement in the United States, so far as genuine foreign-made liquor is concerned, is as rigid as the Volstead Act itself. It has cut consumption to one-half of 1 per cent by volume or less.

Do you believe Admiral Billard, and will you spend \$13,000,000 more to be thrown into the maw of prohibition, or do you believe Roy A. Haynes, as he appears in this book, published, copyrighted, and for sale by Doubleday, Page & Co., at Garden City, since November, 1923?

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. COOPER of Ohio. Does the gentleman believe what is in that book?

Mr. HILL of Maryland. That is a delicate question. The gentleman knows that I have asked that Mr. Haynes be investigated and removed, because I do not believe he is enforcing the law or capable of enforcing it.

Mr. COOPER of Ohio. The gentleman is quoting it, and yet he does not believe it himself.

Mr. HILL of Maryland. Who can we believe? Billard or Haynes?

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. WINSLOW. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Chairman, we have often heard of the old adage that the devil can quote scripture for his own purpose. It seems also that he can quote Roy A. Haines. [Laughter.] I do not wish to be discourteous, but I shall ask not to be interrupted until I have finished some general remarks which I hope may clear up some of the rubbish that has accumulated on this bill.

In the adoption of the eighteenth amendment to our Constitution the people of the United States have said that they do not desire intoxicating liquors imported into the United States. Under that amendment Congress has attempted to pass laws necessary not only to prevent the manufacture and transportation and sale of intoxicating liquors in the United States, but to prevent their importation into the United States. It would be a very interesting thing if I had the time to outline the development of this illegal rum business from the outside into the United States along its shores. It is one of the best organized businesses that now exists in the world, and its lines of communication are almost coextensive with the telegram and radio and other means of communication. It is operated largely from the city of New York. It has headquarters in New York, Nova Scotia, Newfoundland, Canada, Scotland, England, in the islands of the sea, in France, and Spain, and in

nearly every other continental country of Europe that has a coast line. It has some of the most skillful legal assistants that it is possible for money to employ in devising schemes by which these rum runners are permitted to violate the law of the United States. They have a fleet of 32 steamers, trans-Atlantic steamers, carrying intoxicating liquors to the United States. They have 134 sailing boats that are now being used in the transportation of intoxicating liquors to the United States, and besides these steamers and these sailing boats they have hundreds of small motor boats and other small craft which they use as lines of communication between these larger boats that hover out beyond the international line and the coast, to dart into the cities and bays and inlets and rivers on the coast of the United States, and there to land intoxicating liquors against the law.

They have organized in Nova Scotia a corporation designed for no other purpose than to bring into the United States illegally intoxicating liquors. A member of the British nobility is engaged in the sailing of vessels to the United States for the purpose of bringing here illegal liquors, and the best testimony we are able to secure shows that there are being brought into this country every month more than 100,000 cases of intoxicating liquors. This is not merely a question of prohibition. Every man who has been here in this House very long knows my attitude upon that subject. He knows that I supported the eighteenth amendment and the Volstead Act and have voted for every bill that has had as its object the enforcement of the eighteenth amendment. But, my friends, regardless of your position originally upon that, this is a question of whether the dignity and honor of the flag of the United States and its Constitution ought to be maintained, and whether the Constitution of our country is not only to be observed and enforced here, but whether we are going to compel outsiders to respect the Constitution of the United States. These large ships hover out beyond the 3-mile limit and even beyond the 12-mile limit. The latter limit is not yet in effect, although the United States and Great Britain have entered into a treaty fixing a 12-mile limit, but that has not yet been ratified by the Senate.

These large vessels that hover on the outskirts of our coast fly a foreign flag and they hover out there with large quantities of liquor upon them and then send these small rapid motor boats into the coast with their cargo. Now, the gentleman from Texas has complained because the Navy does not do this. The United States Navy has no right to fire upon any ship that hovers beyond the 3-mile limit, no matter what their purpose would be, for if they should fire upon a ship that flies a foreign flag outside of the international limit it would be an act of war.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BARKLEY. I asked not to be interrupted for the present. I will in a few minutes. Now, these big ships do not come in close to the coast, but they hover many miles off the shore, and it would be like sending a hound dog out to catch a flea to send a battleship to catch little motor boats that ply in and out, mostly during the darkness of the night, bringing contraband liquor to the United States.

The Coast Guard Service is doing the best it can. That service has always been the guardian of our shores against smuggling of all kinds, and that applies to the smuggling of diamonds as much as the smuggling of liquor. It refers to the smuggling of any article of commerce prohibited in the United States or upon which a tariff duty is desired to be escaped. So the Coast Guard Service not only protects our shores against smuggling of contraband liquor, but all kinds of commerce that is brought here either that is prohibited itself or upon which it seeks to escape the payment of duties. Now, these smart organizations which have been formed for the purpose of bringing in this liquor have learned that the Coast Guard boats are slow. They have none beyond 10 miles an hour in speed, and some of these smaller boats which bring in liquor have Packard motors in them and go to and from these ships on the outskirts of our shores making from 25 to 30 miles an hour. What chance has an old out-of-date plug boat that makes only 10 miles an hour against a boat of the rum runners that makes from 25 to 30 miles an hour? So that it is absolutely necessary if we are going to keep this contraband liquor from entering the shores of the United States to increase the force of the Coast Guard. The Coast Guard did not solicit this duty. If they had been consulted about it and their wishes had been consulted, they perhaps would not have accepted this service. But they are loyal men and believe in the enforcement of law. That service is an arm of the United States Treasury Department, and that United States Treasury Department is charged with the enforcement of the Federal

prohibition law, and it is not only proper, but I think it is the only proper source of power and authority that can prevent the shipment of this liquor into the United States. The Navy is not equipped with the kind of craft necessary to overhaul these motor boats that ply in and out of our inland shore which go out to these big ships 25 miles out and load up. As I say, the Navy is not equipped to chase them. If it had been equipped, all we would have to do would be to transfer 100 of these boats to the Coast Guard where we transfer 20 of the torpedo destroyers that are not in condition to be used, and we have to expend \$100,000 on each one of them in order to condition them to prevent the smuggling of liquor into the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. I yield the gentleman four additional minutes. I desire to ask him a question, if the gentleman will yield for a question.

Mr. BARKLEY. I will let the gentleman ask it.

Mr. BLANTON. The Coast Guard could fire on ships outside the 12-mile limit and it would not be an act of war—

Mr. BARKLEY. No; the Coast Guard can not do it, but the Coast Guard can fire upon them if they refuse to stop when they are ordered to stop if they get within the 3-mile limit.

Mr. BLANTON. And so could the Navy without committing an act of war.

Mr. BARKLEY. I stated the Navy is not equipped to do this thing and protect the shores and inlets of our coast. That has been the proper function and always has been for more than 100 years of the Coast Guard, and the Coast Guard was established even before the Navy was ever established, and during the 100 years and more it has been its function to protect our shores and inlets against the importation of contraband goods which may endeavor to enter the United States.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. BARKLEY. I will yield to my distinguished law-enforcement advocate of Maryland.

Mr. HILL of Maryland. The gentleman has just stated that the Navy was not equipped. If the Navy were equipped, why should the Coast Guard—

Mr. BARKLEY. If the gentleman had paid attention, he would have discriminated. I said if the Navy had been equipped with 100 small boats authorized to be constructed, all we would have to do would be to transfer them like we do the 20 torpedo-boat destroyers; but it is not equipped and therefore we can not transfer them, but provide for the construction of new boats—

Mr. HILL of Maryland. But the 20 torpedo-boat destroyers are necessary for the Coast Guard, I understand.

Mr. BARKLEY. Yes; the plan at first was to build 22 of those absolutely new for the Coast Guard, but in view of the fact that the Navy has them, what we have to do is to condition them to operate, and therefore we are transferring them to the Coast Guard in order to save whatever expense we can and provide for their conditioning so they can go in that service.

Mr. HILL of Maryland. The Budget cut down the original estimate for the Coast Guard.

Mr. BARKLEY. I do not know where the suggestion came from with reference to the 20 boats, but it is not material.

Mr. HILL of Maryland. I will call the attention of the gentleman to the hearings.

Mr. BARKLEY. What has that got to do with it?

Mr. HILL of Maryland. It shows that the Coast Guard made much larger demands, which were afterwards cut down.

Mr. BARKLEY. Perhaps they were not aware the Navy had these boats; the Coast Guard is not supposed to know all about the Navy.

Mr. HILL of Maryland. According to the testimony, the Coast Guard knew very little about this matter.

Mr. BARKLEY. Would the gentleman from Maryland vote for this bill if it were authorizing the Navy Department instead of the Coast Guard to enforce the prohibition amendment?

Mr. HILL of Maryland. The gentleman will vote for the bill if it is in the power of the President to use the Coast Guard.

Mr. BARKLEY. Would the gentleman support the bill if it were to make a transfer?

Mr. HILL of Maryland. It could not transfer itself.

Mr. BARKLEY. The gentleman from Maryland is always howling against the law not being enforced, and yet he votes against every bill that seeks to enforce it.

Mr. HILL of Maryland. Why does not the gentleman from Kentucky vote for Mr. BLANTON's bill if he is sincerely in favor of prohibition?

Mr. BARKLEY. Because it does not accomplish anything. I want to place this responsibility on an arm of the service qualified to perform it.

Mr. HILL of Maryland. If you really want law enforcement, Mr. BLANTON's bill will get it for you.

Mr. BARKLEY. It is remarkable to see the gentleman from Maryland and the gentleman from Texas lying down in peace together.

Mr. HILL of Maryland. The gentleman from Maryland is in favor of the bill of the gentleman from Texas.

Mr. BARKLEY. That makes me suspicious of it.

Mr. WINSLOW. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LaGUARDIA].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. LaGUARDIA. Mr. Chairman, I think my attitude on the prohibition question is well known to the membership of this House. But there is a clear line of demarcation between a modification of the law and violation of the law. There is a clear difference between coming here, on the one hand, and seeking in a lawful manner to amend the law and, on the other hand, shutting our eyes to the constant, organized, systematic violation of the law. It seems to me that for those of us who are advocating a modification of the enforcement law we can do nothing else but to vote for every proposition that is brought into this House for the enforcement of the law. We believe, some of us, that this law is impossible of enforcement, but we are ready—at least I am—to give you every opportunity that you ask for, and give it a fair trial. [Applause.]

Now the amendment suggested by the gentleman from Texas [Mr. BLANTON], of course, is extreme and ridiculous, for the reason that it would put this country under martial law. You can not turn over to the military forces of the country the enforcement of civil law. But if the Coast Guard wants to assume the responsibility and these boats are available, why turn them over to the Coast Guard.

The gentleman from Maryland, who has assumed the leadership of the so-called "wet" movement in this House, I believe is in error in opposing this measure. It seems to me that it presents an opportunity that we ought to have, to see whether or not the people of this country want prohibition. I personally would like to see, for a period of six months or a period of a year, absolute strict enforcement, and I would like to see some of our dry friends running around the country with their tongues hanging out, asking for a drink. [Laughter.]

I would be willing to put a gold-lace uniform on my genial friend from Texas [Mr. BLANTON], and put him in command of the fleet out there, and then commission my friend from Georgia [Mr. UPSHAW] as a general of the Army, and put him up on the Canadian border. I believe the enforcement of this law ought to be put in the hands of men who are in favor of it and who are honest.

Mr. UPSHAW. All right. I agree with you.

Mr. LaGUARDIA. The temptation incident to this service is great; your enforcement agents are underpaid. If you want enforcement, give the head of the department a salary of \$100,000 a year, and you should give your man in New York a salary of \$100,000 a year. You should pay your prohibition agents a decent salary, so that they will not be tempted. You try to honestly enforce this law and they will know whether the people of the United States want prohibition or not. I believe this measure is along these lines. The Coast Guard say they will stop this smuggling. You know the smuggling is going on. I do not know what purpose Haynes has in mind.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BLANTON. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. SPEAKS].

The CHAIRMAN. The gentleman from Ohio is recognized for two minutes.

Mr. SPEAKS. Mr. Chairman and gentlemen of the committee, I want to offer just a few words additional, in line with the thought suggested by the chairman of the committee a few moments ago. This bill proposes that the Navy Department shall turn over to the Treasury Department certain vessels adapted to the use of the Coast Guard in the enforcement of the law.

First, I want to qualify as being in favor of the most rigid enforcement of all laws relating to prohibition.

Now, the distinguished gentleman from Kentucky [Mr. BARKLEY] draws a picture of a fleet of vessels leaving England, for instance, loaded with liquor, with the avowed purpose of bringing it into the United States contrary to the laws of this coun-

try. There is no secrecy regarding their activities. They boldly and defiantly make mockery of our dignity and authority. All I am urging when suggesting that the Navy be employed in preventing such operations is this: First, whenever the President of the United States deems that an emergency exists or any condition warranting such action, he is authorized to employ such personnel and equipment of the Navy as may be necessary to properly enforce the laws.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BLANTON. Mr. Chairman, I yield two minutes to the gentleman from Maryland [Mr. TYDINGS].

Mr. TYDINGS. Gentlemen, I have only two minutes, so I will ask not to be interrupted. I do not want to speak strictly on the bill, but each time prohibition comes up my native State—Maryland—seems to figure in the argument. I would like to take these two minutes to tell you that my State is founded on religious liberty. We do not believe, within reason, in having our religion and our morals legislated into us. [Applause.] We want the right to pursue a certain amount of individual freedom, and while we are a temperance State, second to no State in the Union, we do object to having forced upon us things in which we can not see the least sin.

We feel over in that State that it is not so evil to sit down quietly in one's home and to have a good glass of wine or a cold mint julep, a few friends around, and touch some of the softer, sweeter, and cultural side of life. My State does not want nor ask for a return of the saloon nor the unbridled sale of liquor. We are not hypocrites who vote dry and drink all the liquor we can get. Thank God, we have the manhood in that State, and we are not like so many of these prohibitionists who everlastingly preach and vote dry but who drink anything they can lay their hands on. [Applause.]

You may charge us with any crime; but reserve to us at least the compliment of being honest men and women, with courage enough to face the facts and govern ourselves accordingly. We feel, in view of the widespread disregard of this law in the United States, that a good many States have shown they have not the courage and have not the candor which the citizens of Maryland have. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. The parliamentary situation is such that while I can not agree with the gentlemen, I am forced to yield to them. I yield three minutes to the gentleman from New York [Mr. CELLER].

The CHAIRMAN. The gentleman from New York is recognized for three minutes.

Mr. CELLER. Mr. Chairman, it seems that because of prohibition we must lose some of our senses. I say that a careful and rigid reading of this bill shows that it is merely a stalking horse for the use of the military and naval forces of the country. We speak of mine sweepers and torpedo boats, and they are engines of war.

What are the objections found in the Constitution, concerning which the gentleman from Texas [Mr. BLANTON] asked us, and nobody seemed to answer him? I reserved my right to answer until I had the floor. We find in Story on the Constitution that—

The power to raise armies is an indispensable incident to the power to declare war.

And when the term "armies" is used it always means the Navy and the Marine Corps.

Let us go back to what Hamilton said in the Federalist, and I also quote from Story on the Constitution:

It was said that Congress, having an unlimited power to raise and support armies, might, in their opinion the general welfare required it, keep large armies constantly on foot and thus exhaust the resources of the United States. There is no control on Congress as to numbers, stations, or government of them. They may billet them on the people at pleasure. Such an unlimited authority is most dangerous and in its principles despotic for, being unbounded, it must lead to despotism. We shall, therefore, live under a government of military force. In respect to times of peace it was suggested that there is no necessity for having a standing army, which had always been held under such circumstances to be fatal to public rights and political freedom.

I need not comment on the language used by Hamilton, but let me quote something else that is found in Story on the Constitution with reference to what the Attorney General said about the unconstitutionality of the bill before us:

It may be admitted that standing armies may prove dangerous to the State. But it is equally true that the want of them may also prove dangerous to the State. What, then, is to be done? The true course is to check the undue exercise of the power, not to withhold it. This

the Constitution has attempted to do by providing that "no appropriation of money to that use shall be for a longer term than two years." Thus, unless the necessary supplies are voted by the representatives of the people every two years, the whole establishment must fall. Congress may, indeed, by an act for this purpose disband a standing army at any time, or vote the supplies only for one year or for a shorter period.

What do we find in this bill with reference to an appropriation for these engines of war, these torpedo boats, these mine sweepers, and these revenue cutters? The bill itself is woefully lacking with reference to the restrictions embodied in the Constitution, which says in no uncertain terms that there must be that limit.

Now, the provision for the building of these torpedo boats and the loaning of the ships by the Navy is for an indefinite period of time, and the bill would be declared unconstitutional on that ground alone, because there is no restriction. So that the act is unconstitutional and would be declared so by Chief Justice Taft, because he has already stated that the use of the naval forces for this purpose is unconstitutional; that the military forces shall not be used to enforce civil laws.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. Mr. Chairman, I yield six minutes to the distinguished gentleman from Nebraska [Mr. SHALLENBERGER].

Mr. WINSLOW. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. SHALLENBERGER].

Mr. SHALLENBERGER. Mr. Chairman and gentlemen, I agree with those who believe that if it were possible the Navy should be used in order to stop liquor smuggling and compel obedience to our laws. I believe it was Henry Ford who first made the announcement that to enforce the law against smuggling in this country he would use the Navy of the United States in order to compel obedience to our flag and to our laws. But since the Attorney General of the United States has rendered his opinion that the Navy can not be used, then the President is compelled to come and ask Congress to give him this authority.

This is a bill to increase the Coast Guard by the addition of 20 destroyers as battleships of the line, together with a fleet of more than 300 light cruisers, scout ships, and fast motor boats. They are to wage a warfare the like of which has never been known before.

The base of the supplies of the enemy is on the high seas beyond the 12-mile limit. But under international law we can not attack that base. The navy that we must contend with is a mosquito fleet operating from our own shores that sails the sea within the 12-mile limit. This enemy fleet is manned by pirates, cutthroats, and thieves and financed with money furnished largely by our rich and influential citizens.

This new navy is made necessary because of the smuggling of liquor into the United States from the high seas. This week the public press carried this story:

New York, March 6.—The dry navy made a complete tour of the rum fleet to-day. It listed the names, estimated capacity, and registry of each ship and announced that the cargoes aggregated 224,000 cases, worth about \$11,000,000 at rum-row prices. The Coast Guard reported it the biggest liquor fleet off the port of New York since the first group of tramp schooners established a market there 18 months ago.

The smuggling from this fleet is done in open defiance of both our Constitution and our laws.

Since the Attorney General has ruled that the Navy can not be used for this purpose we must equip the Coast Guard to do the job, though it will cost millions to furnish the personnel and the ships. The President estimates the expense for men and ships at \$13,853,980.

The plan proposed is to take only 20 destroyers from the Navy. The balance of the fleet that will be used to enforce the law will be new vessels built especially for this service. As a matter of economy, I should like to have seen more of the lighter naval craft, eagle boats and submarine chasers, and so forth, used for this purpose. Although we have spent billions in building a Navy in the past 10 years, we apparently have nothing suitable to guard our coast except the 20 destroyers above referred to.

The fact that the President is compelled to ask for this bill in order that he may enforce obedience to liquor laws is only another evidence of the rising tide of defiant disobedience to all law that is spreading throughout our land. The law-abiding citizen is no longer safe at home or on the street. An army of law violators overrun the land. Rum smugglers line our coasts and defy and break our laws at every opportunity.

But it is not only the rum runner who defies the law. Justice is apparently no longer feared either by high or low. Law-breaking increases in an astounding manner because punish-

ment in America is neither certain nor severe. The common criminal neither respects nor fears the law, and many of those who hold high places and should be an example to the rest lead off in violation of the law.

To such a pass has it come that every day you hear Members of this House say that they fear the confidence of the people in their Government is being undermined. The leaders of public thought who mold and determine public opinion in this country are primarily to blame if the people are losing confidence in the sacredness of the law and our ability to enforce it.

I agree with a great Republican from California who in a speech to the citizens of Michigan the other day said, "What we need right now in order to command a wholesome respect for law and to put the fear of God into a lot of highbinders in high places is a man like Theodore Roosevelt at the helm of this Government." He would get the grafters and stampede the law violators. If we would blow a few of these rum runners out of the water and demonstrate that our gunners can still shoot straight and that to defy the American flag and what it stands for means certain destruction, that rum fleet would soon seek safer waters. Whenever a great majority of American citizens cultivate and show a proper respect for law we will not need a war fleet and an army to enforce our statutes and compel aliens to obey the Constitution of the United States.

No man is so great nor is any selfish interest strong enough to long defy and disobey the law when once it is upon the statute books of this Nation. I admit that disobedience to law is fast becoming a custom in this country. We should not complain if the news that is daily carried by the newspapers compels the people to believe that the rottenness once complained of as being in the State of Denmark has been transplanted to the city of Washington.

The bootlegger will go out of business when the leading citizen ceases to be his best customer. Only those with plenty of means and position sufficient to offer protection can afford a personal bootlegger at present prices. The greatest power on earth for the enforcement of law is the demand of a decent public opinion that decent men must obey the law. In his speech to the correspondents the other night President Coolidge quoted the celebrated statement of Lord Bryce that in America "public opinion is the law" and confirmed the truth of the epigram.

Let me illustrate this by an incident in which Roosevelt himself was the main factor. The President of the United States has greater autocratic power than any other ruler on earth. Roosevelt himself was the very embodiment of courage and action, yet he never countenanced evasion of the law. On the contrary, he compelled obedience to it at every opportunity.

He sent a special message to the Fifty-seventh Congress asking for legislation that would stop the railroads of the country from giving rebates and free transportation to favored shippers and politicians. The railroads were then all powerful in politics. The giving of their favors for business and political reasons had become a great abuse, an open scandal throughout the land.

Recognizing all this, Roosevelt did not hesitate to challenge their power when convinced it was adverse to the public good. In response to his message the Senate appointed a committee to consider the question and report back a recommendation to the Congress of the United States.

The committee of the Senate called before it the presidents and managers of the principal railway systems of the country.

The representatives of the leading railway companies were heard from first. One after another they came before the committee and said, "Gentlemen, we are guilty; most guilty of giving rebates to shippers and passes to politicians." But every railroad officer, while admitting the offense, insisted that it was the custom and practice of railroads to do so, and that they could not stop it and retain their business. They further admitted that they knew of no remedy.

After all the greater magnates had confessed, Mr. James Stillwell, of Minneapolis, Minn., at that time the manager of a minor western road, was called upon to testify. He made a statement to this effect:

Gentlemen, we all admit that we are guilty of giving rebates and passes to secure business and protect our investments. We further admit that it ought to stop. We all know it is in violation of the law. You are now seeking to stop this evil by law, but the remedy is not to be found in the enactment of another law. What we need is a proper respect for the laws we now have.

The trouble is that in America those in high places do not themselves show a proper obedience to law. We know that to give a man a pass, whether for business or political reasons,

is a form of rebate. For more than 20 years we have had a law upon our statute books which makes it a misdemeanor, punishable by a fine, for any man not in the employ of a railroad to give or take a railroad pass. And yet the Members of Congress who enacted the law and the President who signed the bill and the judges of the court who would have to interpret it if anyone ever invoked the law, violate the law every time they ride upon a railroad train. How can you expect the average citizen to have any respect for law when the men who make the laws, the President who should enforce the laws, and those who must interpret them lead off in violation of the law?

Let me refer you to a country where public opinion compels obedience to law. In England there is a King, and you would think that if anyone in that land shall be above the law it is the King. But because they have a law like ours every time the King of England rides he pays his fare, just the same as the humblest citizen in the land. And the members of the Parliament of England serve without pay. We pay our Senators and Congressmen \$7,500 a year and mileage, yet such is the power of public opinion in Great Britain that no member of Parliament would dare to violate the law any more than he would dare to pick your purse upon the street and then expect to be received into the company of honest men.

Then Mr. Stillwell pointed toward the other end of the Avenue and said:

"I hope the brave man in the White House will have the courage to show the world that an American President can be as obedient to law as a German Emperor or an English King."

Within a week the President publicly announced that hereafter whenever he rode upon a railroad train he would pay his fare. Later Congress made an appropriation of \$25,000 to pay the traveling expenses of the Executive, and every public official in the United States and every governor had to follow in the footsteps of the President. What was needed was not new law but a new obedience to existing law.

But the respect for law that Stillwell referred to was not always the rule in Great Britain. England was long cursed with corruption in high places. The departments of justice became corrupt. But Englishmen finally found a way to cleanse their Government and abolish grafting in high places.

The Lord Chancellor of England is the ranking law officer of the Crown and stands at the head of the Department of Justice. Originally he was a dignitary of the church as well as the highest judicial authority in the interpretation of the law. He still sits on the woolsack and presides over the House of Lords.

Many of the mightiest men in English history have been proud to hold that high position. But, to their shame, it finally became a common practice through a long period of years for them to accept bribes, under the guise of presents, for the favors they might bestow. They had many places of power and profit at their command. Even Francis Bacon, the "wisest, brightest, mightiest" intellect the Anglo-Saxon race has ever produced, confessed that while Chancellor he had taken bribes.

But the evil still persisted and grew until the time when Thomas Parker, Lord Macclesfield, was appointed Lord Chancellor by George I. Then the South Sea bubble broke and a period of financial orgy like that experienced in America, following the World War, came to a climax and blew the lid off the teapot under the woolsack of the Lord Chancellor.

The Lord Chancellor was impeached by the commons for malfeasance in office and put upon trial by his peers in the House of Lords. Witnesses were brought before the lords and it developed that through a long period of years the practice had arisen of giving the Lord Chancellor a present when he bestowed a favor either by court decision or by the gift of place and power.

Originally the presents had been things of little value. Later they had become fine raiment or jewels and finally money. One man testified as follows, and the story reads as though it might have happened but yesterday, judging from reports of the Federal grand juries at Chicago or New York:

He said he knew that a man by the name of Cottingham was the place broker of the Lord Chancellor. He called upon him at his rooms. The witness said he told Cottingham he wanted a position which the Lord Chancellor had at his disposal. The man who had the ear of the Department of Justice said, "You know it is customary to give his lordship a present when he makes such an appointment." We can almost hear him saying, "His lordship's campaign expenses are enormous." The applicant said he knew it was the custom. The agent of the court asked him if he had made up his mind as to the present he would give for the place and the applicant replied that he had determined to give the Chancellor £4,000. Cottingham told him he had better think more deeply upon the subject and give it more consideration.

The witness said he went outside for a short time and then came back and said that upon more mature consideration he had made up his mind to raise the gift to £5,000. The place broker was evidently something of a wag, so he told the plum seeker that his lordship was "very fond of guineas, that guineas were handsomer," and that if he would make the present 5,000 guineas he would speak to his lordship about giving him the place.

The man testified that the next day he brought the 5,000 guineas in a basket to the agent of the Lord Chancellor. The agent took the basketful of money to the Chancellor's house, and that he later brought the basket back again, but there was not money in the basket when it was returned.

There were many other witnesses with tales of similar contributions. When the testimony was finished the House of Lords rendered instant judgment against the head of the Department of Justice of the British Crown. They unanimously found the Lord Chancellor guilty of high treason against the country, and the King stripped him of all position and power, took away from him his lands and palaces, and levied against him a fine of \$150,000, and put him under the further penalty of paying the losses of the wards of his court, and he was committed to the Tower until the fines were paid.

The promptness with which the lords acted and the penalty inflicted ended the selling of offices and disgrace of the courts of Great Britain. They have since become the model and the admiration of all countries that love liberty and know the value of certain and speedy justice.

The crying need in America to-day is that justice shall be prompt in action and certain in her decrees and punishments. The symbol of justice is a blindfolded figure with the scales in one hand and a drawn sword in the other. If I could put that figure into action, I would have her drop the scales, remove the bandage from her eyes, and take the broadsword in both hands and begin to smite those who betray the trust of the people and defy our constitutions and our laws.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Texas [Mr. BLANTON] has six minutes remaining.

Mr. BLANTON. Mr. Chairman, I reserve that time. I understood the gentleman from Massachusetts wanted to use some time now.

Mr. WINSLOW. I understood the gentleman to say he wanted to yield to some one now.

Mr. BLANTON. I have six minutes. I yield three minutes to the gentleman from Massachusetts [Mr. TAGUE].

Mr. TAGUE. Mr. Chairman and gentlemen of the House, I do not intend to approach this subject upon the question of prohibition. The House knows full well my attitude on that question. I rise for another purpose altogether. I know and you know that every time the question of prohibition comes up on the floor of this House immediately there arises a hue and cry, and the prohibition enforcement officer can get anything he wants. I rise for another purpose, and that purpose is whether or not the lives and the property of the men interested in the merchant marine of this Nation are of as much importance as is the question of chasing a few cheap rum runners up and down the Atlantic coast. During the war the United States Navy took from the Coast Guard some of their best ships. They were sunk and destroyed, and from that time up to this minute the Coast Guard has been appealing to Congress for money with which to build ships, and Congress in that time has practically failed to hear their cry. True, they have given them small appropriations, but here you are asked to appropriate, with the passage of this bill, or at least you will be asked to appropriate soon, more than \$13,000,000 for protection against rum runners, while the business men along the Atlantic and the Pacific coasts are to-day appealing in vain to Congress to give them ships that will protect the lives of the fishermen and sailors on the seas. Go on the Atlantic coast, and on that great graveyard of the ocean talk to the men who go to sea for useful life, and they will say to you, as I say to you, that the risks to-day upon the sea are greater than ever because they have no protection at all. There is one ship of the Coast Guard down in Halifax and one ship up along the coast breaking ice and not another ship of the United States doing duty between New York and Bar Harbor. But we can get money to give to enforce prohibition. We can get money to chase rum runners. We can go into the Navy and say to the Navy, "Give your ships to chase rum runners up and down the coast," but we can not protect the father of the little innocent children who is risking his life every day in the building up of our transportation and performing honest manual labor.

Mr. BLANTON. Mr. Chairman, this is a bill that may cost at least from \$13,000,000 to \$20,000,000, and I ask unanimous consent that the time be extended 20 minutes on each side.

Mr. GRAHAM of Illinois. Mr. Chairman, I object.

Mr. BLANTON. Mr. Chairman, I reserve the other three minutes remaining to me.

Mr. WINSLOW. Mr. Chairman, I yield four minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Chairman and gentlemen of the House, the issue in this matter is to me a very definite one; one that I am glad to approach in a very brief way. In his Farewell Address, the Father of his Country, George Washington, makes the statement that the basis of our political system is the right of the people to make and to alter their constitutions of government, but that the Constitution which at any time exists is sacredly obligatory upon all. He says that the very right of the people to establish government presupposes the duty of every individual to obey the established government. This, then, is the one issue which is before us at this time. The President of the United States has come before us with a statement made in this room, that free government has no greater menace than disrespect for authority and continual violation of law, and that to prevent smuggling of liquors the Coast Guard should be greatly strengthened.

That is the whole issue here. It is a matter of whether we will place in the hands of the President of the United States, where the Constitution reposes the duty of enforcing the laws, that measure of strength which he says should be placed there. I believe in prohibition, but it makes no difference whether one believes in it or not, prohibition has been regularly written into the Constitution and, as George Washington has stated, it therefore becomes sacredly obligatory upon every one of us. I am to-day for the reporting out and the passing of this measure, in order that our form of government may be made more safe, in order that the President may get this power through enlarging the Coast Guard, and in order that the prohibition violations coming to us through smuggling and otherwise may be stopped to the greatest possible degree. [Applause.]

Mr. WINSLOW. Mr. Chairman, I yield four minutes to the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDSON. Mr. Chairman and gentlemen of the committee, it seems to me that the voices raised in opposition to this most important piece of legislation have taken two channels of thought, one expressed by my distinguished friend from Texas [Mr. BLANTON], who evidently would substitute his resolution for this bill, and the other by the distinguished gentleman from Maryland [Mr. HILL], who would impose in the way of law enforcement every obstacle that he could.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HUDSON. I can not yield. I want to bring to the attention of this committee the thought that this measure is not usurping any of the powers of the Navy or transferring any of those powers. It is strengthening the Coast Guard which we have, and which is here for certain specific duties. I quote from the statement of Admiral Billard:

So there has grown up a condition where the dignity of the United States is openly flouted by foreign shipping.

The Coast Guard through a century and a quarter of its history has firmly crystallized its standard of doing its duty and carrying out the orders that Congress or the President or the Secretary of the Navy gives it. The service properly does not consider the wisdom of the law or of the order, but intends to the fullest of its ability to carry out that law or that order.

In other words, the Coast Guard comes to you asking for this appropriation to carry out the orders of this Congress through the years back and the years to come.

Another point I think we should take into consideration is that if we pass, as it is expected we will, a new immigration law, the Coast Guard will have the added duty of enforcing that law. If we enact as we hope to more stringent narcotic laws, the Coast Guard must enforce them.

The charge is that this legislation contemplates outstanding expenditures; well, what if it does? The public is willing to pay any proper price to drive the rum runner from our territorial waters. The question of using the Navy is not potential to this discussion. This country does not care who wipes out the rum runner or what ships he uses. It is willing to pay for service.

That there is a decided change in the country as evidenced by the reaction in feeling from the irresponsible recklessness of a year ago to the comparative lack of flavor which thousands of people who are not classed as "drys" are manifestly finding in quips at the expense of the Volstead Act. An increasing number are commencing to consider them in about as good taste as jokes regarding murder. The situation is too serious to laugh about.

Sentiment also is crystallizing toward a determination that there must be an end of what amounts to a conspiracy among a considerable number of the judges, prosecutors, police officials, and executives of the country to defeat the provisions of the dry law either by treating it as a dead letter or by giving it manifestly hostile interpretations so that the difficulties in the way of its enforcement are materially increased beyond the difficulties in the way of the enforcement of any other criminal act. Unless a change "comes over the face of the moon" in this respect there is a prospect that something is going to drop and hit some public officials who have been laboring under the impression that they are "standing in" with the voters.

May I quote you the words of Sir Auckland Geddes, former British ambassador: "I don't think the people of England recognize amid the mass of stories of violation of the prohibition laws of the United States how strong the feeling of the best minds of the best people of America is on the subject of prohibition." And whether the direct and indirect results of prohibition sum up more of ill than of good, as is so persistently urged by the "wets," the general attitude of the country seems to be in favor of prohibition. It sometimes may be difficult to distinguish the real desire of the people as distinguished from individual opinions, but there can be no doubt of the people's will in one respect—that of law enforcement. Much as some of the people abhor prohibition, they abhor unrestricted crime more. They see the logic of the argument that no law can be flouted without causing all law to be endangered. Therefore, they agree that the prohibition law should be enforced so long as it is a law.

It is impossible even for the American who is least inclined to put his own weight behind the eighteenth amendment, most loath to forego personal indulgence, to ignore the fact that the prosperity of the United States has not been due to any increase in her foreign trade, against which the exchange rate operates; that we are consuming more of our own products. He can not dodge or fail to take account of the fact that the men who make America's automobiles are driving them, that our silks and fine textiles are finding buyers among our own people; that sober workmen are consuming a larger portion of our manufactured products than ever before in our history.

Yes, prohibition pleads guilty to being a good business investment. Virtue pays a nation better than vice, even if the vice is legalized and taxed for revenue as was liquor. Banks, insurance companies, realty men, merchants, manufacturers, autoists, theaters—in brief, every business interest except the undertakers, jailers, and executioners can say with Roger W. Babson, "The great improvement in business which followed the war was very largely the result of the influence of prohibition." Why should not business men support prohibition?

He knows, if he reads his daily newspaper, that we are the only Nation in the world without an unemployment problem. The sums we once invested in the destructive distilling and brewing business now operate factories, mines, and railroads.

Our school life has been lengthened. The family purse today suffices for the family support, now that the barrooms are closed, without the children adding their pittance. Revived ambition in the home has sent to high school, academies, preparatory schools, and colleges thousands who in our wet years lacked the means or the encouragement to study, or both.

In the factory, the counting room, the store, the mines, on the farm, in the great open spaces, in the home, in the school-room, in the church, there is a great, quiet, resistless force in motion that is lifting America to a place of unchallenged leadership of the world.

The uncertainty is not whether national prohibition shall become an American institution. That is already decided. It is how rapidly America shall move toward universal observance of a principle that has been written into her character, and through this to a civilization that inevitably will set a new mark in human attainment.

Are you for me or against me?

Said the flag as it went by.

We are for you, we are for you!

Cried the people in reply.

We are ready when you need us!

We will follow when you lead us.

We have pledged our hearts' devotion,

Said the people in reply.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WINSLOW. Mr. Chairman, I yield four minutes to the gentleman from Michigan [Mr. CRAMTON].

[By unanimous consent, Mr. CRAMTON was granted leave to extend his remarks in the RECORD.]

Mr. CRAMTON. Mr. Chairman, the case at point has been very admirably stated to-day by a number of gentlemen, particularly by my friend from New York Mr. LA GUARDIA, and a moment ago by the gentleman from Montana [Mr. LEAVITT].

Gentlemen, in the four minutes granted me I just want to challenge your attention to these realities of the situation. If you will consult the hearings of the first deficiency appropriation bill in connection with the proposed appropriation of money for this same purpose, beginning on page 646 of the hearings you will find a statement by Commander Root of well authenticated facts that is intensely interesting and fully justifies this bill. On page 647 of his statement he discusses the organization that confronts the Government of the United States, and the duty and function of the Coast Guard with reference to it. He says:

EXTENT OF LIQUOR SMUGGLING; LOCATION AND ACTIVITIES OF RUM FLEET.

Commander Root. This work is, above all others, the fundamental duty of the Coast Guard. The term "smuggling" is used advisedly because the work involves prevention of illegal introduction into the United States of all kinds of merchandise, of aliens, of narcotics, and of intoxicating liquors. With prohibition enforcement the Coast Guard is most decidedly not concerned. We are interested in that matter simply as good citizens. The Coast Guard is not now equipped properly to deal with the prevention of smuggling in its present magnitude.

In order to determine our needs an estimate of the situation—past, present, and future—was made some time ago and the matter now under discussion is deduced from that estimate.

That our needs may be understood, I shall set before you, as briefly as possible, the present situation. For the sake of brevity I shall refer to the smuggler and his organization as the "enemy."

The mission of the enemy is to make money. His motive is cupidity. His operations are carried on by a force limited only by opportunities to use it. His legal and technical advisers are persons of the highest skill, unhampered by principles of any kind. He employs seagoing people, some of desperate character, many of whom served in the allied armies and navies during the World War. These people are armed and will fight if there is a chance of advantage by so doing.

Whenever possible, the enemy resorts to bribery to disorganize our forces. Our mission, the mission of the Government and the Coast Guard, is to make his operations profitless in order to deny him capital for further operations.

His high seas force at the present time consists of 34 steamers and 182 sailing vessels, ranging in size from 35 tons to 3,000 tons. Some of these vessels are capable of speeds up to 19 knots. The majority of them fly foreign flags.

His auxiliary craft for making shore contact consist of several hundred gasoline-driven craft, about 80 per cent of which are good for 25 knots. Most of this force flies the American flag. Occasionally he has used aircraft during the past year.

He maintains a bribery fund and has a shore organization for obtaining supplies, marketing contraband, and for the collection and dissemination of intelligence. He obtains his contraband from many ports in Great Britain, France, Germany, Spain, Canada, the Canadian maritime Provinces, Habana, Santiago de Cuba, Jamaica, and Grand Cayman. He maintains advanced bases at St. Johns, Newfoundland; St. Pierre, Miquelon; the Azores Islands; Bermuda; and the Bahamas. His general operations are believed to be directed from New York, with offices of considerable authority in the Bahamas and Nova Scotia. At Yarmouth, Nova Scotia, a large corporation has just been formed with M. M. Gardner as secretary. Reports indicate that the new firm intends to engage in smuggling on a large scale.

Intelligence is transmitted between his forces afloat and ashore by dispatches in codes and ciphers, and by couriers when extreme secrecy is necessary. Liaison between New York and Europe is not believed to be complete, but is fairly well established. The so-called "Rum Row" off New York is maintained ostensibly as a good business proposition, but principally as a diversion to hold to that point the attention of as many of the Coast Guard vessels as possible.

Large amounts of contraband are believed to be entering through Long Island Sound, Delaware and Chesapeake Bays, along the coast of Florida, at the mouths of the Mississippi, and, to a less extent, at places where a long and dangerous land haul is involved. We have record of great activity off Cape Ann, off the coast between Marthas Vineyard Island and Montauk Point, on the coast between New York and Chesapeake entrance, along the coast between Cape Canaveral and Key West, off Mobile and the Delta of the Mississippi, and at Galveston.

VOLUME OF SMUGGLING.

As to the volume of liquor smuggling he says, on page 649 in the hearings:

From reliable, but very incomplete, secret sources abroad I have information of the following shipments from northern European—mostly British—ports since January, 1922. The quantities are, in round numbers, 136,600 equivalent cases of 3 gallons each, taken from manifests.

I say "equivalent cases" because where the quantities have been reported in gallons we have reduced it to the quantity usually contained in a case, so that the units will all be the same—1,110,000 equivalent cases, shipped in 37 ships. Total for 26 months, 1,246,600 cases, or practically 48,000 cases per month from northern Europe alone.

Of the above, during the last three months of last year—October, November, and December—63,000 cases were shipped from Scotland and 133,000 cases from Antwerp, or 196,000 in three months, which is about 63,000 cases a month.

In considering these last figures it should be remembered that they include only the known shipments, ascertained by our few scattered agents, and include but two countries. Mature consideration leads me to believe that the direct shipments from Europe alone to the United States amount to not less than 80,000 cases per month.

Since last May, or during the past nine months, 724,000 cases have arrived off New York entrance in the steamers *Bernard M., Bru, Bute-town, Gerbervillier, Istar, Johnstown, L'Auroch, Lutzen, Lynton, Obernai, Papyrus, Strand Hill, Ulv, Wyke Regis*, and in the German schooner *Emmie Freidrich* and the Dutch schooner *Zeeland*. This amounts to 80,000 cases per month and does not include the thousands of cases brought to our shores by British and French sailing vessels from the enemy advance bases.

There are assembled at the present time off Boston two steamers and five schooners, with cargoes conservatively estimated at 16,500 cases; off Block Island Sound, one steamer and five sailing vessels, with 28,500 cases; off New York entrance, three steamers and six sailing vessels, with cargoes estimated at 124,000 cases; off the Delta of the Mississippi, three sailing vessels, with cargoes estimated at 4,000 cases. I have the names of these ships here, but I will not take time to read them.

That the actual business of smuggling and whisky peddling along our coasts is rapidly increasing is shown by the fact that 56 new vessels have entered the trade since October 1 of last year and 6 within the last week.

THE PROBLEM.

Further on he summarizes the great problem which is before us, that which the United States is confronting:

From what has just been said it should be apparent that—

(a) The enemy is engaged in open and organized warfare on the Constitution.

(b) He is practically unhampered in his operations by this or any other Government.

Because the Coast Guard has not to-day the equipment to take a sufficient part in the stopping of this smuggling for which the Coast Guard was organized. He goes on:

(c) He is introducing into this country at least 100,000 cases per month by way of the Atlantic and Gulf coasts.

In considering this matter, the prohibition feature or liquor question should be eliminated from the mind. Were the traffic confined to diamonds, for example, its bad effect would be the same.

Nonenforcement of the law is bringing the National Government and the very Constitution itself into contempt, and, what is almost equally bad, is causing an ever-increasing flow of money into the coffers of the underworld. This money is being used to finance all sorts of criminal ventures, and is, I believe, one of the prime causes of the increase of crime.

Mr. GALLIVAN. Who is saying this?

Commander Root. I am saying this.

However, it seems to me, that in preparing to arrive at a decision, that we should divest our minds of even the latter consideration and reduce the question to its most simple terms, those involving only the support of the Constitution.

As this statement and further investigation can lead to but one conclusion, it is expected that the full force, for which we have asked, will be provided without delay. This force, by itself alone, will not be sufficient. Old laws must be strengthened and new laws written.

There is the problem we are confronting. The facts are not vague or in question, but certain and definite and compelling.

THE SOLUTION.

There may be other ways of doing this thing or helping at it. I am one that believes the Army and the Navy would be the gainers if obliged to aid wherever and whenever possible. But the bill pending represents a tangible, carefully worked out

plan in which I have confidence and it is no time for chimera chasing. Read further from the hearings from which I have been quoting, on page 693 of the deficiency bill hearings Admiral Billard says:

Mr. GALLIVAN. If you get all this money and all these men and all these ships, are you able to tell this committee when you will be able to clear the seas of rum runners and give us law enforcement on the sea?

Admiral BILLARD. I am not able to tell the committee or anyone else that.

Mr. GALLIVAN. Is there anybody that can?

Admiral BILLARD. I am not able to.

Mr. GALLIVAN. Do you think that we will get law enforcement if we make this appropriation to you of approximately \$14,000,000—all these ships and all these men?

Admiral BILLARD. Yes, sir.

Mr. GALLIVAN. You do?

Admiral BILLARD. As far as the importation of liquor from the sea is concerned.

Here is a solution within our grasp. The pending deficiency appropriation bill has the money to do the things here authorized. It is no time to chase off after any Navy will-o'-the-wisp. There are two great sources for illicit liquor that handicap enforcement of the law—one, the diversion of permitted alcohol from proper to improper use; the other, smuggled liquors from abroad. This bill is needed to dry up one of these sources.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAMTON. May I have one minute?

Mr. BLANTON. I yield the gentleman one minute.

Mr. CRAMTON. Now, that is the problem facing us; and, with that necessity and with this clear solution, why can not Members, like Mr. BLANTON and myself, who believe prohibition is effective if you make its enforcement effective; why can not we stand with Major LA GUARDIA in defending a practical program for its enforcement?

Mr. BLANTON. Because he is for 2.75 per cent beer, and I am not.

Mr. CRAMTON. To-day he is right, and the gentleman from Texas is wrong.

Mr. BLANTON. Mr. Chairman, I remind you again that in 1807 on March the 2d, when our Government was weak and not strong, this Congress gave to the President the right to use the Navy to stop the smuggling of slaves into this country, and provided a forfeiture of vessels caught by the Navy. And again on July 13, 1861, this Congress again passed an act entitled, "to further provide for the collection of duties," and so forth, and gave to the President the right to use the Army and Navy and provided a forfeiture of ships caught. If we could do it then we can do it now. What does this bill provide? It provides that we shall add 175 extra commissioned officers and 418 extra warrant officers and 3,789 extra men to the Coast Guard under the Secretary of the Treasury, mind you. It is with him whether or not he shall enforce the law, and I have not confidence in him enforcing the prohibition act. I am for giving the President the Navy. If you increase this force, not by 4,282 men as proposed, if you increase it by 20,000 men in the Coast Guard and put it where it is now, under the Secretary of the Treasury's office, you will not have prohibition law enforcement; but if you give the President the Navy he is going to enforce the law and going to stop it. Why, the gentleman from Kentucky said the Navy would not be able to shoot at vessels out 12 miles; neither can the Coast Guard. Everything that the Coast Guard can do the Navy can do, and the Navy has better judgment about such things; it has more sense of propriety about such things; it knows more about what the results of its acts would be than the Coast Guard; and I am in favor of giving the President the Navy because ultimately we are going to have to do that to stop smuggling, and we are wasting the people's time and money on this bill.

If you gentlemen will read my Resolution 113, you will see just how strong I am for strict enforcement of all prohibition laws. If you will read my Joint Resolution 116, you will see just how much thought and study I have given to this question of strict enforcement of prohibition laws. If you will read my Joint Resolution 120, you will see that I have spent much time in presenting proper legislation seeking to enforce the prohibition laws. And if you will pass them and also pass my resolution that I read you when beginning this debate, House Joint Resolution 119, the prohibition laws will be enforced, and we will not have to add 4,282 extra men and officers to the pay roll as is proposed by this bill.

Mr. WINSLOW. Mr. Chairman, we have had a very liberal discussion of this bill, and if anybody has followed what has

been said he has had an opportunity to either know about it or become confused. [Laughter.] I enjoyed, as most all of you did, the panoramic geographic lesson we had as to the numerous whereases and be it resolved, and so forth, and I admit I was not able to go as fast as the picture. We have but one point: Are we going to stand by a department of this Government, from the Treasury down, in an effort to enforce the law or are we not?

Now, the Navy may be able to do it better. The Coast and Geodetic Survey with the Navy may be able to do it better, and a lot of things may be better. But the problem now is, Shall we help them to do this business in accordance with their best judgment, and do it now? That is all there is to it. [Applause and cries of "Read!"]

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized to transfer to the Department of the Treasury, for the use of the Coast Guard, such vessels of the Navy, with their outfits and armaments, as can be spared by the Navy and as are adapted to the use of the Coast Guard.

Mr. BLANTON. Mr. Chairman, I offer an amendment, and I give notice that if the amendment is adopted I shall move to strike out the balance of the bill.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report. Will the gentleman indicate where he would like to have his amendment come in the bill?

Mr. BLANTON. I offer it as a substitute for the first paragraph, after the enacting clause.

The CHAIRMAN. For the first section of the bill?

Mr. BLANTON. Yes. Strike out the first section and insert this in lieu thereof.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 1, strike out all of lines 3 to 7 inclusive, and insert in lieu thereof the following: "That the President be, and he is hereby, authorized and directed to use and employ the entire naval and military forces of the United States, or so much of any of the above as he may deem necessary in suppressing all unlawful smuggling into the United States and in suppressing all rebellious defiance of our Government and its Constitution and laws."

Mr. GRAHAM of Illinois. Mr. Chairman, I make a point of order on that, on the ground that it is not germane to the bill.

Mr. BLANTON. Mr. Chairman, I want to be heard on that.

Mr. GRAHAM of Illinois. I take it, Mr. Chairman, that this is the same amendment that the gentleman read?

Mr. BLANTON. No. I have made it conform to the rules, so that it would not be objectionable by a point of order.

Mr. GRAHAM of Illinois. It is manifestly an attempt to ingraft into this bill an entirely new element, namely, the use of other arms of the service. This bill is to authorize a temporary increase of the Coast Guard for law enforcement, and nothing else.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. BEGG. In addition to what the gentleman is saying, this is a bill to enlarge the Coast Guard, and it is not in order to strike out "the Coast Guard," and substitute "the Navy."

Mr. GRAHAM of Illinois. It is absolutely not germane to bring in here something about the Army or the Navy or any other arm of the service. The matter involved is the Coast Guard, and anything else is not germane to it.

Mr. BLANTON. Mr. Chairman—

Mr. CRAMTON. Mr. Chairman, if I can first make one observation as to what the gentleman from Illinois [Mr. GRAHAM] has said—

Mr. BLANTON. I yield to the gentleman—

Mr. CRAMTON. Boiled down, the bill is a bill to enlarge the equipment of that branch of the service now organized to prevent smuggling—the Coast Guard. The substitute amendment suggested by the gentleman from Texas [Mr. BLANTON] is a proposition to transfer from the organized Coast Guard its responsibility for the prevention of smuggling—transfer that to the Navy, an entirely different proposition, and not at all germane.

Mr. BARKLEY. Mr. Chairman, may I offer another suggestion before the gentleman from Texas makes his argument?

Mr. BLANTON. Yes.

Mr. BARKLEY. The gentleman from Texas might undertake to hang his amendment on the fact that this bill undertakes to transfer some boats from the Navy to the Coast Guard?

Mr. BLANTON. Yes.

Mr. BARKLEY. I want to anticipate that argument by making this suggestion: It might be in order to transfer other boats from the Navy to the Coast Guard, additional boats than those now provided for in this bill. But that is not what the gentleman's amendment seeks to do. It strikes out all provision with reference to the Coast Guard and inaugurates a new law, invoking the Navy to enforce the prohibition laws. It can not be held germane merely because the first section of the bill transfers 20 boats from the Navy to the Coast Guard. The gentleman's amendment does not propose the transfer of any boats from the Navy to the Coast Guard.

The CHAIRMAN. The Chair will hear the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, the question whether or not this amendment is in order depends, of course, upon its germaneness to the purpose of the bill; not to the preamble of the bill; not to any one paragraph of the bill; but the purpose of the bill.

Now, what is the purpose? The purpose of the bill is to enable the President of the United States—the Chief Executive Officer of the Nation, upon whom rests the responsibility of enforcing the law—to enable him to stop the smuggling of liquor into the United States. That is the purpose of the bill. That is the design of the bill. That is what caused this committee to bring this bill before the House for consideration.

Now, the first section of the bill provides this, that the Secretary of the Navy is authorized to transfer boats to the Department of the Treasury. That is one of the Cabinet officers of the Executive; that is one of the underlings of the executive department, if you please; that is a department that is under the control of the Chief Executive Officer of the Nation. Notice it does not say "one of the vessels," or 10, or 20, or 100. It does not limit it except in a certain indirect way. It might, under this bill, take all the vessels that belong to the Navy, because if the chairman will note, it says "such vessels of the Navy, with their outfits and armaments, as can be spared by the Navy and as are adapted for the use of the Coast Guard." That is the only limitation. It might be for the purpose of the suppression of smuggling that all the vessels of the Navy are adapted for its present emergency use, and in that event it would authorize the President to take them all. I merely propose that the President can take all without defining their adaptability.

I want the Chair to note that here is a bill which authorizes the President to use a part of the Navy. If it just provided that he could use one cutter you could not provide that he could use the whole Navy, but inasmuch as it provides that he may use a number of the vessels of the Navy an amendment is germane which provides that he may use the balance of the Navy. Such an amendment is germane under decisions which run back to 1827. If the Chair please, there is an unbroken line of decisions back to 1827 which hold that when you provide for the use of a number of things of the same kind you can provide for the use of all the balance of those things. And that is exactly what the amendment means.

Mr. TYDINGS. Will the gentleman yield?

Mr. BLANTON. I am not addressing the gentleman, but the Chair; but I will yield to him.

Mr. TYDINGS. In order to make the amendment germane which the gentleman from Texas has offered, I would suggest, humorously, that these words be added:

And in case of war the Navy be kept on the job of enforcing prohibition and the Army be marched to sea to fight our enemy.

If those words were added, I think, the gentleman's amendment would be in good shape.

Mr. BLANTON. I hope the gentleman will not ever see any more war as long as he and I stay in the House and can vote against it. I think those who came through the last war are going to see to it that we do not have another one at any time within the next 50 years, at least. [Applause.]

But that is beside the question. I want to submit to the Chair, in all seriousness, that this amendment is germane. It is on the same subject; it is akin to it; it pertains to it; it is incidental to it; and it is for the very identical purpose for which this bill is designed—that is, to stop the smuggling of liquor into the United States. I submit to the Chair, in all fairness, that it should not be ruled out on a point of order.

The CHAIRMAN. The Chair is ready to rule. Section 1 of the bill provides:

That the Secretary of the Navy is authorized to transfer to the Department of the Treasury, for the use of the Coast Guard, such vessels of the Navy, with their outfits and armaments, as can be spared by the Navy and as are adapted to the use of the Coast Guard.

The amendment offered by the gentleman from Texas provides:

That the President be, and he is hereby, authorized and directed to use and employ the entire naval and military forces of the United States, or so much of any of the above as he may deem necessary, in suppressing all unlawful smuggling into the United States, and in suppressing all rebellious defiance of our Government and its Constitution and laws.

The gentleman from Texas in his argument says the question is the purpose of the bill, and, therefore, that his amendment is germane to the paragraph he seeks to amend. But the Chair does not see that that is the question. The Chair understands the question is not the purpose of the bill but the method to effectuate the purpose. In other words, the purpose of the bill is to enlarge the Coast Guard by transferring some of the vessels of the Navy to the Coast Guard, while the purpose of the gentleman's amendment is to authorize the President of the United States to take from the Navy or the Army such facilities as they may have in order that he may, through that agency, perform the functions which are sought to be performed by the Coast Guard.

Mr. BLANTON. Will the Chair yield and permit me to ask a question?

The CHAIRMAN. Yes.

Mr. BLANTON. I note that I left in two words, "and military." Those words, of course, would make the amendment subject to the point of order.

The CHAIRMAN. I do not think those words would change the status of the amendment.

Mr. BLANTON. But I want to call the Chair's attention to the last three words of the preamble of this bill, which are, "for law enforcement." That is the purpose of the bill, "for law enforcement."

The CHAIRMAN. It is true that is the purpose of the bill, to enforce the law, or, at least, that is one of the purposes of the bill, to enforce the law; but the question before us is not the purpose of the bill. The question is the method as proposed by the gentleman from Texas as it differentiates from the method to enforce the purposes of the bill. That is the way the Chair sees it, and, of course, the Chair can not see how, under the rules of the House, we could substitute as a germane amendment the proposal of the gentleman from Texas for the first section of the bill. So the Chair sustains the point of order.

Mr. HILL of Maryland. Mr. Chairman, I offer an amendment.

Mr. BLANTON. Mr. Chairman, I offer a substitute.

The CHAIRMAN. The gentleman from Maryland offers an amendment and is recognized. The Clerk will report the amendment offered by the gentleman from Maryland.

The Clerk read as follows:

Amendment offered by Mr. HILL of Maryland: On page 1, in line 3, after the words "authorized to," strike out the word "transfer" and insert "lend," and insert after line 7 the following: "With the necessary officers and personnel of the Navy to handle the same for the temporary need."

Mr. HILL of Maryland. Mr. Chairman, it is alleged throughout the hearings on this bill that this is considered a temporary emergency. When asked how long this emergency would continue, Admiral Billard, the head of the Coast Guard, said he did not know.

This bill is preliminary to an appropriation of \$13,000,000, which will make the total Coast Guard cost in the coming year \$2,000,000 more than the total cost of the Navy in 1890. If this bill is a temporary emergency—and apparently the Federal prohibition commissioner does not consider it necessary—and if this bill is necessary, I suggest that the amendment I offer will keep the various services of the Government in better balance. The section will then read that the Secretary of the Navy is authorized to lend, not transfer, changing the word "transfer" to "lend," to the Department of the Treasury for the use of the Coast Guard, such vessels of the Navy with their outfits and armaments, as can be spared by the Navy and are adapted to the use of the Coast Guard, with such officers and personnel of the Navy as are necessary to handle the same for the temporary emergency.

Now, Mr. Chairman, it can not be contemplated that we should create a new permanent naval force. If we are not at-

tempting to create a new naval force, why all this additional personnel? I call the committee's attention to the hearings on page 10, in which Admiral Billard explains the enormous increase of personnel.

Admiral BILLARD. That does not explain why the captains, and so on. To find out how many officers were needed, and what ranks they should be in, we carefully studied the particular problem, which it will take me only a few minutes to set forth to you.

We have 20 destroyers, for example, to man. We decided to put on those destroyers three line officers and one engineer officer. We made the captain of the destroyer a lieutenant commander, which is a perfectly reasonable rank. We made the captains of five of the destroyers commanders, the idea being that each would have charge of a flotilla of four boats.

We made the chief engineer of five of the destroyers a lieutenant commander, and the others lieutenants.

We have two mine sweepers in this problem. We made their captains lieutenant commanders, the other officers lieutenants.

Mr. SANDERS. You have two mine sweepers?

Admiral BILLARD. I neglected to say that the program involved the transfer of 20 destroyers and 2 mine sweepers.

Mr. SANDERS. Not for mine-sweeping purposes?

Admiral BILLARD. No; just the type of craft.

Mr. SANDERS. I did not know but what the bootleggers were going into it under a large scale.

Admiral BILLARD. No, sir; nothing of that sort.

Mr. NEWTON. Those are from the fleet that was used in the North Sea?

Admiral BILLARD. Yes, sir; large seagoing tugs, and very able vessels.

Then, to run this large number of motor launches, we have to have 24 sections, and we have put a lieutenant in charge of each one of these sections.

We have to have one more division down in the Gulf. We make the officer in charge of that a captain. There is a captain at the head of most of the other divisions.

Then we have four commanders and four lieutenant commanders to act as chiefs of staff in the divisions. There will be eight Coast Guard divisions. There are eight officers there of appropriate rank.

Then we have seven lieutenant commanders of engineering who will be detailed to the divisions to look after the machinery of these motor boats, and so on.

Then, at headquarters here we will need seven additional officers. We have got one captain. His job would be to run this whole armada. He may be called up in the middle of the night on telegrams to run this whole fleet. There might properly be a captain in charge of that work and a commander as his assistant.

There would be one commander in charge of commissioned personnel, whose duty it would be to get these officers and to allocate them.

There would be one commander in charge of enlisted personnel, and one commander in charge of recruiting, which will be a big proposition. Then we have seven officers for recruiting service in the field, to get hold of these men, and we have eight officers for inspection duty.

It all adds up to the number of officers specified in the bill, and we are prepared, I think, to defend each and every one of those officers and the rank given him, that you may be interested to inquire about.

Mr. DENISON. Will you not need an ordnance officer, Admiral?

Admiral BILLARD. We have an ordnance officer at headquarters now.

Gentlemen, you are asked by this bill to begin the authorization and creation of a Navy more expensive than the whole United States Navy we had in 1890.

Mr. HERSEY. Will the gentleman yield?

Mr. HILL of Maryland. In just one moment. If the present needs exist, and Prohibition Commissioner Haynes says they do not exist, and nobody has denied the statements of Prohibition Commissioner Haynes that I read from his book—if the need is only a temporary one, do not create a new personnel, which is only temporary, but let the Navy lend the necessary ships to the Coast Guard. I yield with pleasure to the gentleman from Maine.

Mr. HERSEY. Does the gentleman mean to also lend the men of the Navy to the Coast Guard?

Mr. HILL of Maryland. I mean to lend the ships with their men and officers and everything that belongs to them.

Mr. HERSEY. Then which service would have command, the Coast Guard or the Navy?

Mr. HILL of Maryland. The Coast Guard, naturally. It has an admiral. Why not? I will say to the gentleman that Admiral Billard says in his testimony that it takes three years to create an efficient Coast Guard officer, and he says that if you pass this bill he will have to go out and get ex-service men or anybody else he can find. If this is a necessary need, why do you not use the naval ships you have now?

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. HILL of Maryland. I yield.

Mr. COOPER of Ohio. The gentleman asked a question a while ago about Prohibition Commissioner Haynes. I for one want to say that if Commissioner Haynes made the statement that this service is not needed, he does not know what he is talking about.

Mr. HILL of Maryland. I agree with the gentleman. I am not one of those who entirely relies on Commissioner Haynes, but I hand to the gentleman the book in which he makes the statements, which I read recently to the committee.

The CHAIRMAN. The time of the gentleman from Maryland has expired. [Applause.]

Mr. GRAHAM of Illinois. Mr. Chairman, I do not think the amendment offered by the gentleman from Maryland ought to be adopted. If I was sure the gentleman from Maryland [Mr. HILL] was offering this amendment with the idea of helping this law and helping in the enforcement of the law, I might lean a little more strongly toward it, but knowing the gentleman's proclivities the way I do, and knowing his ideas along this line, I might view any amendment he would offer to this bill with some degree of suspicion. But this is not what I arose to say. The trouble in this amendment is well voiced by the suggestion of the gentleman from Maine [Mr. HERSEY]. If you transfer certain ships from the Navy to the Coast Guard, who is going to run the ships—the Coast Guard or the Navy? If the naval officers are lent to the Coast Guard, anyone knows who has had any experience with these two departments that it would not be satisfactory to the naval officers to be under the control of Coast Guard officers on this particular duty.

Mr. BUTLER. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. BUTLER. The gentleman is entirely right. The Coast Guard is no part whatever of the Navy, and you can not mix the officers of the two services without direction of law.

Mr. GRAHAM of Illinois. The gentleman is quite right.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. GRAHAM of Illinois. No; not now. If you want the thing to run smoothly, let it all be under one charge. It either must be Coast Guard or Navy. We have started out to improve the Coast Guard; let us do it. Let us turn over the ships to them; put them under the charge of officers trained in that particular line of duty, namely, guarding the coast. It will not do to turn over naval officers and put them in the Coast Guard and say that they are under the control of the Coast Guard.

Mr. SCHAFER. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. SCHAFER. In case of another war, who is going to command these ships transferred from the Navy to the Secretary of the Treasury?

Mr. GRAHAM of Illinois. Immediately upon war being declared with any country, by law the Coast Guard then goes into the Navy.

Mr. BUTLER. The Coast Guard goes under the Navy then under a long-established law which created the Coast Guard.

Mr. SCHAFER. Then indirectly you are adding more ships to the Navy, not in name, but you are indirectly adding them, because they are ships of war.

Mr. GRAHAM of Illinois. You are adding to a service an auxiliary which may be used by the Navy in time of war, but which in time of peace is for Coast Guard duty entirely and is a distinct service.

Mr. SCHAFER. You are adding war vessels to the Coast Guard.

Mr. GRAHAM of Illinois. You are adding vessels that can be used in time of war.

Mr. SCHAFER. Yes; and I thought it was the understanding after this war that we were not going to have any more wars and the policy was to be to cut down on expenditures for military purposes and not branch out.

Mr. GRAHAM of Illinois. I do not believe the gentleman really believed that in his heart.

Mr. O'CONNOR of Louisiana. Mr. Chairman—

Mr. WINSLOW. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

Mr. BLANTON. I have an amendment to offer.

Mr. CELLER. I have an amendment, Mr. Chairman.

Mr. BLANTON. Mr. Chairman, I move to amend the motion by making it 15 minutes.

The CHAIRMAN. It is not a motion but a request.

Mr. CELLER. Reserving the right to object, I shall not object provided I can offer my amendment and have five minutes.

Mr. WINSLOW. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 10 minutes.

Mr. BLANTON. Mr. Chairman, I move to amend that motion by making the time 15 minutes instead of 10 minutes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas to the motion offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. HILL of Maryland) there were—ayes 3, noes 50.

So the amendment was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from Massachusetts [Mr. WINSLOW].

Mr. BLANTON. Mr. Chairman, I think we ought to have a quorum, and I suggest the absence of a quorum.

Mr. GARRETT of Texas. Mr. Chairman, I demand tellers upon that.

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] just made the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and seventeen Members present—a quorum.

Mr. BLANTON. Mr. Chairman, I ask for tellers on that vote.

Mr. BEGG. Mr. Chairman, that comes after business has been transacted, and it is too late.

The CHAIRMAN. The question is on the motion of the gentleman from Massachusetts to limit debate upon this paragraph and all amendments thereto to 10 minutes.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 70, noes 2.

Mr. BLANTON. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Texas demands tellers. Those in favor of ordering tellers will rise and stand until counted. [After counting.] Four Members have risen, not a sufficient number, and tellers are refused.

Mr. BLANTON. Mr. Chairman, I move that the committee do now rise.

Mr. STEVENSON. Mr. Chairman, I would like to make the point that the gentleman from Louisiana [Mr. O'CONNOR] addressed the Chair and had the floor and has had it for some time. He merely gave way for this motion to close debate. Can he be taken off the floor?

Mr. O'CONNOR of Louisiana. I say for the benefit of the Chair and the gentleman from South Carolina that I have the floor now; that I never did give way.

The CHAIRMAN. The gentleman from Texas moves that the committee do now rise.

Mr. BLANTON. Mr. Chairman, I withdraw that motion.

The CHAIRMAN. The gentleman from Louisiana is recognized.

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen of the House, I am opposed to the amendment offered by the gentleman from Maryland [Mr. HILL] and I intend to vote for this bill. Inasmuch, however, as I represent a constituency that has been from time immemorial, to use the solemnity of a legal phrase, antiprohibition—that is, a large majority have adopted that attitude—I feel I ought to make the amende honorable to many of them, for they would in all probability expect me to vote against this bill. Though I am convinced that the better viewpoint of the more thoughtful and less impulsive in matters of judgment will unquestionably indorse my affirmative action in the pending bill, I want to get my own judgment into the Record for that reason and divers causes, and for the benefit of those who may read the proceedings of this House down in New Orleans express my viewpoint with reference to this matter and things incident and pertinent to it. Yes; I will vote for this bill to authorize a temporary increase of the Coast Guard for law enforcement. Not that I have been altogether impressed by the arguments made that this will make for and effectuate enforcement purposes and therefore it is obligatory upon us to pass it, because I can see that such an attitude has its limitations and might under certain circumstances become illogical and unwise to the point of absurdity, for if it ever becomes necessary, in order to make a pretense at prohibition enforcement, to require an annual appropriation that would run to upward of \$2,000,000 the American Government would find it necessary to increase taxation to the point of confiscation, and thereby the entire fabric of the Constitution, by trying to vindicate one article, would be involved in the general ruin that would follow such a monstrous expenditure in a fatuous and hopeless attempt to enforce an impossible law. The attempt at enforcement of prohibition might become almost intolerable in the burdens it would impose, and so conclusively show its lack of policy of wisdom and of understanding of human nature as to render it nugatory, when it would fall into "innocuous desuetude." As a matter of fact, it must be clear to him who

reads as he runs that there are millions in this country that believe that prohibition is a failure because it is fundamentally unsound, and that our appropriation for its enforcement is nothing more nor less than an extravagant and useless expenditure of public money, and in the minds of many its only result is negative and breeds corruption in prohibition enforcement circles. Of course, it is known of all men that the columns of the great newspapers in all of the big cities daily contain stories showing that if it is not regarded almost as a duty to infract the Volstead Act, it certainly with truth may be said to be fashionable, smart, and risqué. I do not think that the general violation of this act is any longer disputed. During this debate it apparently surprised no one to hear two of the most distinguished advocates of prohibition in this country—one on the Democratic side and one on the Republican side—practically make statements which, if their statistics are correct, would indicate that more whisky is being drunk in the United States to-day than was drunk before prohibition. In fact, if they did not prove that, they came perilously and dangerously near doing so. I understand that at a convention of the American Federation of Labor, held, I believe, in Portland, Oreg., last year or the year before, it was put into the proceedings that there were more whisky glasses being manufactured, or blown, if that is the term, to-day than ever before in the history of the country. While I may not put this into the Record because I only give it for the temporary purpose that it will serve, and I know that people are not interested in my personal habits, I am not a drinking man myself, but I represent a constituency the majority of whom, as I said before, look upon prohibition as ill advised and doomed to failure, and necessarily they look upon the expenditure of any money for the enforcement of it as money absolutely thrown away.

They can not see any wisdom in it, but, on the contrary, view it as unmitigated folly, and although their unalterable opposition to what they deem to be an unwarrantable invasion of their liberty may appear to be fantastic and absurd to some of our citizens who somewhat superciliously arrogate to themselves all of the virtues and patriotism in this country, still those people are sincere in their attitude of deep-seated hostility and antagonism to what they bitterly resent as oppression from a tyrannical minority organized in such a manner as to make for the congressional imposition of their views on the unorganized and helpless masses. And these constituents of mine are patriotic and wise in their ways. They are an educated people and have inherited and evidenced a splendid culture. They are not easily misled by sophistry. They can not understand why we should believe there is so much merit in prohibition when they thoroughly comprehend that the world long before prohibition had come to us gave to posterity the greatest poets, the greatest astronomers, the greatest industrialists, the greatest inventors and writers, under a system that made for more or less drinking, while the nondrinking countries of the Orient were steeped in ignorance, venality, and corruption, and had made absolutely no progress.

I will vote for this bill as I want to give enforcement every opportunity to succeed and make good. But I have no faith in prohibition fundamentally. Regulation would produce infinitely better results. One thing is certain and fixed as the stars in their courses. Prohibition must show better results or the conclusion will be irresistible that it is a failure. That sort of failure would not be an unmixed evil even. On the contrary it would prove a blessing. Then the American people would approach the liquor question and traffic in a tolerant and wiser way, and secure through a regulatory process far greater and more lasting and beneficent results than the present system under the most favorable conditions and circumstances can yield. I speak more in sorrow than in anger at the bacchanalian orgies of drunkenness in all of our towns resulting from "white lightning," conveniently carried in stylish flasks in big pockets; of the graft stories in our newspapers, of the sinister and menacing corruption existing in that part of the official life charged with enforcement. Of course there are—there must be—many honest, virtuous men connected with that service, but the people are undoubtedly correct in assuming that there are many vulnerable spots, and you know it is human for the most benevolent to judge the whole by a part of the system.

Only a few days ago Police Commissioner Enright, of New York, made a statement of such a startling nature that the Associated Press and other great news agencies carried it from ocean to ocean—as we love to express the vastness, the magnitude of our territorial empire, as it extends from east to west, from the rising to the setting sun. The commissioner declared, as I remember it, that every phase of society in the United States refused to respect and observe the Volstead Act

and infringed it with the same savoir faire, serenity, composure, and tranquillity that they would a statute that expressed a totally fallacious economic principle, a physical impossibility, or a physiological absurdity or other parliamentary and governmental aberration. And right here in Washington, Capital of the Nation, denominated by Admiral Plunkett, according to press accounts, as "the wettest city in the Union," we find a number of persons who deny the soft impeachment and insist that there are a number of cities that are wetter. I heard some one say that if the dissenters are correct the other cities must be inundated, and that it is time to order the arks. But I will close lest some honest, sincere prohibitionist friend of mine rise in his seat, gently chide me, and try to prove that all of the great men who adorned and glorified the civilizations of ancient Greece and the magnificent Roman Empire, the heroes and geniuses of the Middle Ages, and the mighty men of the modern world were mythological characters, were never existent because it was impossible for talent, culture, ambition, virtue, or patriotism to exist until the day of long-haired men and short-haired women arrived, who constructed by statute a prohibition fountain, whose miraculous waters made for a realization in the coming years of what was only a dream on our part of historically renowned men and women of the past.

That there were great men before Agamemnon is a historical idiom. There were none such. There were great men after prohibitionists—at any rate so saith the "prohi." With that, selah—for that is all I can do or say—knowing from the constitution of this House and the numerical strength of the "prohis" and the corresponding weakness of the "antis" that we "antis" can not make a dent in the Volstead Act at this session of Congress.

Mr. COOPER of Ohio. Mr. Chairman and gentlemen of the committee, I do not know that I can say anything that will add to what has already been said as to why this bill should pass. I was very much interested in the remarks of the gentleman from Louisiana [Mr. O'CONNOR] when he stated that a great many people in this country could see no good reason why prohibition should be enforced. I want to say to the gentleman from Louisiana that I am one of those who believe that the eighteenth amendment is just as sacred as any other part of the Constitution.

Mr. O'CONNOR of Louisiana. Oh, I think the gentleman totally misapprehended the point involved. I was simply expressing the viewpoint of a constituency that I represent, and I did not intend to question the gentleman's sincerity at all.

Mr. COOPER of Ohio. I may have been mistaken in what the gentleman stated, but I say again that the eighteenth amendment is just as sacred as any other part of the Constitution, and that a man who violates it is just as guilty as he would be if he committed any other crime against the Constitution. The gentleman from Maryland [Mr. TYDINGS] referred to the attitude of the people in Maryland in opposition to the eighteenth amendment. He knows that the legislature of his State ratified the eighteenth amendment to our Constitution. Now, Mr. Chairman, the question that we are considering to-day is not whether or not the law can be enforced, but whether or not our Government is going to try to enforce the law of our land. There is no law on our statute books to-day that is enforced 100 per cent, and surely you men would not oppose an appropriation to stop the violation of the other laws of our country outside of the eighteenth amendment to our Constitution. The President of the United States has come to Congress and asked us to give him the power and the money and the men to try to enforce the constituted law of our land. The statement was made in the hearings held recently by the Committee on Appropriations that the rum runners which line our Atlantic coast line to-day are the boldest band of pirates that has ever operated upon the high seas.

We are told that within the last four or five months 56 vessels have joined the rum-running fleet, and reports have come to us that during the last six months 1,226,000 cases of rum have been landed on our shores. I believe the time has come when the open and armed opposition to our country and its laws by foreign ships should be stopped. The foreign ships which carry the liquor are very careful not to get in closer than the 3-mile limit. Now, what this bill proposes to do is to try and prevent the rum runners that go out from our shores to the ships from carrying the contraband liquor into our ports. Commander Root, testifying before the Appropriations Committee on this question a few days ago, said:

In considering this matter, the prohibition feature or liquor question should be eliminated from the mind. Were the traffic confined to diamonds, for example, its bad effect would be the same.

Nonenforcement of the law is bringing the National Government and the very Constitution itself into contempt, and, what is almost equally bad, is causing an ever-increasing flow of money into the coffers of the underworld. This money is being used to finance all sorts of criminal ventures, and is, I believe, one of the prime causes of the increase of crime.

The people of our Nation are demanding that the importation of intoxicating liquors into our country in violation of our laws be stopped. The President has requested Congress to assist him in upholding the law. Surely no Member who wants to see our laws enforced should oppose the passage of the bill which is now being considered. We prohibit the sale and manufacture of intoxicating liquors in our own land. Why should we permit foreign countries to import liquor which is prohibited under our Constitution?

The CHAIRMAN. The time of the gentleman from Ohio has expired. The question is on agreeing to the amendment offered by the gentleman from Maryland [Mr. HILL].

The question was taken, and the Chair announced the yeas appeared to have it.

On a division (demanded by Mr. HILL of Maryland) there were—ayes 4, yeas 62.

So the amendment was rejected.

Mr. CELLER. Mr. Speaker, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 1, line 7, after the words "Coast Guard," insert "provided such vessels with their outfits and armaments be returned to the Navy after a period of one year."

Mr. CELLER. Mr. Chairman, how much time have I for debate?

The CHAIRMAN. Five minutes.

Mr. GRAHAM of Illinois. Debate is exhausted on this paragraph and all amendments thereto.

The CHAIRMAN. That is true. The Chair wishes to announce that debate is exhausted on this amendment by a vote of the committee.

Mr. CELLER. I ask unanimous consent for two minutes in order to explain my amendment.

The CHAIRMAN. Is there objection?

Mr. GRAHAM of Illinois. I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman.

The question was taken, and the amendment was rejected.

Mr. BLANTON. I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 1, line 3, after the words "authorized to," strike out the words "transfer to" and insert the words "cooperate with"; and in line 4, after the word "Treasury," strike out the words "for the" and insert the words "by combining with the vessels in"; and in line 5, after the word "with," insert the words "their officers and personnel"; and in line 7, after the words "Coast Guard," strike out the period, insert a comma, and add "to suppress smuggling into the United States," so that as amended the paragraph will read:

That the Secretary of the Navy is authorized to cooperate with the Department of the Treasury, by combining with the vessels in use of the Coast Guard, such vessels of the Navy, with their officers and personnel, their outfits, and armaments, as can be spared by the Navy and as are adapted to the use of the Coast Guard, to suppress smuggling into the United States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the Chair announced the yeas appeared to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 5, yeas 65.

So the amendment was rejected.

Mr. WATKINS. Mr. Chairman, would a new paragraph at this point be subject to the same ruling as an amendment to the paragraph?

The CHAIRMAN. It depends upon what the amendment is.

Mr. WATKINS. I desire to insert a new paragraph.

The CHAIRMAN. The Chair could not tell. Does the gentleman offer an amendment?

Mr. WATKINS. As a new paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WATKINS: Page 1, line 7, after the word "Guard," add a new section as follows:

"Sec. 2. That the Secretary of the Treasury be, and hereby is, authorized and directed to assign one Coast Guard cutter, if avail-

able, and if not available, then to construct and equip one Coast Guard cutter, at a cost not to exceed \$900,000, for Coast Guard duty on the Pacific coast: *Provided*, That such vessel shall be so constructed as to be best adapted for the purpose of saving life and property at sea and for law enforcement."

Mr. WATKINS. I offer that as section 2.

The CHAIRMAN. The question is on the amendment.

Mr. WATKINS. This is a new paragraph; it is not an amendment at all. If I am not permitted to offer it here I will offer it later on, but I want to dispose of it now, and I would like to explain my reasons for it. I am as much for this bill as any man in this House.

The CHAIRMAN. If it is offered as an amendment it is not debatable.

Mr. GRAHAM of Illinois. It is subject to the point of order.

Mr. BEGG. I make a point of order it is too late.

Mr. GRAHAM of Illinois. The gentleman from Massachusetts [Mr. WINSLOW] was on his feet.

Mr. WINSLOW. I make the point of order that the subject matter is not germane to this bill. It is meritorious, no doubt, but not germane. It is for another purpose altogether.

Mr. BLANTON. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late, there having been debate. The RECORD will show that there was quite a colloquy between the gentleman and the Chair in reference to the amendment.

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. WATKINS. I would like to be heard for five minutes.

The CHAIRMAN. Does the gentleman from Massachusetts wish to be heard on the point of order? The Chair will be glad to hear the gentleman.

Mr. WINSLOW. The subject matter is not germane to the purpose of the bill. It embraces another line of work for the Coast Guard and is not in any way bearing on the law-enforcement phase of the bill.

Mr. GRAHAM of Illinois. Mr. Chairman, let me add another suggestion that it has this fundamental objection, and that is it directs a certain vessel to be built and placed in certain waters of the country to perform a certain duty. If that is germane, it is also germane for other gentlemen from other localities to offer additional amendments for boats to be placed, say, in Florida or in Texas waters, or a boat to be placed anywhere else. The bill provides that the Coast Guard Service shall be on all the high seas, without saying what shall be done or where placed. It is certainly not germane to the purpose of this bill at all to embody a provision that specifies what shall be done with those that are sent into particular waters of the country; this is especially true when we consider that this bill provides only for a temporary increase of the Coast Guard, while the amendment provides for a certain permanent increase for purposes not intended or covered by the bill.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. WATKINS. I do. The observation submitted at this time by the gentleman from Illinois [Mr. GRAHAM] may be valid in so far as being an administrative feature, for it might not be appropriate for a bill of this kind to direct the Secretary of the Treasury to do a certain thing; but in so far as the section being germane is concerned, the mere reading of it will convince the Chair that it is germane. The section simply provides that if there is a cutter available the Secretary is directed to assign that particular cutter to a particular place. If there is no available cutter, then the section simply provides that a new one is authorized for the purpose of law enforcement, and to be placed in the Pacific coast waters and there protect property and life—the thing that the Coast Guard does now—and in addition to that to aid in the enforcement of the law. I maintain that if there is anything in the wide universe that is germane, it is that language to this bill.

Mr. CRAMTON. Mr. Chairman, I simply make this suggestion, that the pending bill is well described by its title, "to authorize a temporary increase of the Coast Guard." That temporary increase is by a loan of vessels from the Navy. The gentleman's amendment proposes a permanent increase in the Coast Guard in the construction of a new vessel. It is not germane to the program carried forward in the pending bill.

Mr. BEGG. Mr. Chairman, I merely want to direct the attention of the Chair to section 781 of the manual, where it seems to me there is a specific illustration. In the case of the bill relating to commerce between the States it has been held that it is not germane to specify a particular State.

The CHAIRMAN. The Chair is ready to rule. The purpose of the bill is to authorize the transfer of ships from the Navy

to the Coast Guard. The amendment of the gentleman from Oregon provides for the construction of a ship or ships to be used in the Coast Guard.

Mr. WATKINS. That is the second clause.

The CHAIRMAN. But it is in the amendment. Nowhere in the bill is there any provision for the construction of ships for the Coast Guard. It is manifest that the amendment of the gentleman from Oregon is not germane to the bill, and therefore it is subject to a point of order. The Chair sustains the point of order. The Clerk will read.

Mr. BLANTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. In a couple of weeks the chairman will be called upon to make appropriations under this bill. What is the chairman going to do when points of order are raised that there is no law authorizing it?

Mr. BANKHEAD. Mr. Chairman, that is not a parliamentary inquiry.

The CHAIRMAN. I think the gentleman has not exactly stated the case.

Mr. CELLER. Mr. Chairman, I offer an amendment as a new section.

The CHAIRMAN. The gentleman from New York offers an amendment as a new section. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 1, line 7, after the word "law," insert a new section as follows: "Provided, All acts or parts of acts contrary to or inconsistent with this act shall be deemed repealed."

Mr. NEWTON of Minnesota. Mr. Chairman, I make the point of order that that is not germane to the section.

The CHAIRMAN. The amendment offered by the gentleman would be appropriate to the bill, but the Chair doubts if it would be appropriate at this point.

Mr. BLANTON. Mr. Chairman, I make the further point of order that the amendment is not germane to the bill or to the section preceding the place where it is offered, for the reason that the purposes of this bill apparently are to enforce the prohibition laws and to prevent smuggling. But the amendment of the gentleman would do just the contrary.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CELLER. Mr. Chairman, will the Chair hear me on the point of order?

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. (a) The President is authorized to appoint, by and with the advice and consent of the Senate, the following temporary officers of the Coast Guard: 2 captains, 13 commanders, 25 lieutenant commanders, 48 lieutenants, and 42 lieutenants (junior grade) and ensigns, of the line; and 1 commander, 11 lieutenant commanders, 19 lieutenants, and 40 lieutenants (junior grade) and ensigns, of the Engineer Corps.

(b) Such temporary officers shall receive the same pay, allowances, and benefits as permanent commissioned officers of the Coast Guard of corresponding grade and length of service, except that no such officer shall be entitled to retirement because of his temporary commission.

(c) Temporary appointments shall continue until the President otherwise directs or Congress otherwise provides.

Mr. HILL of Maryland. Mr. Chairman, I desire to offer an amendment.

Mr. WINSLOW. Mr. Chairman, I wish to offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the committee amendment to this section.

The Clerk read as follows:

Committee amendment: Page 2, line 7, after the word "officers," insert "while in service."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts [Mr. WINSLOW].

The Clerk read as follows:

Amendment offered by Mr. WINSLOW: Page 2, line 1, strike out "thirteen" and insert "ten." Line 3, strike out "one commander" and insert "five commanders."

Mr. WINSLOW. Mr. Chairman, the purpose of this amendment is to better balance the officers designated in the Coast Guard. In going over the matter after we reported out the bill they discovered that the reapportionment would be helpful and would not increase the cost a dollar, although it increases

the number of officers by one. But by reapportionment the salaries are so arranged that it does not increase the cost.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. HILL of Maryland. Mr. Chairman, I offer the amendment which the Clerk has.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Maryland.

The Clerk read as follows:

Amendment offered by Mr. HILL of Maryland: Page 1, line 9, after the word "Senate," insert "for a period of not more than two years."

Mr. HILL of Maryland. Mr. Chairman, the alleged and obvious purpose of this bill is temporary. All through the hearings the statement was made that this was a temporary need. If this is so, why not use the Navy? Read what was said in committee on this:

WHY NOT USE THE NAVY?

Mr. SHALLENBERGER. I would like to ask one question. I do not know whether the admiral wants to answer it or not: Have you considered turning this duty over to the Navy from your department?

Admiral BILLARD. Well, I can only speak of what I have read in the press, and I have seen one or two bills introduced in Congress.

Mr. SHALLENBERGER. Do you know that it has been considered—this proposition?

Admiral BILLARD. I have no official knowledge, only what I have read in the press.

The CHAIRMAN. I think there has been no comprehensive plan suggested, Mr. SHALLENBERGER. The whole administration, all down the line, have concentrated on this arrangement.

Mr. SHALLENBERGER. Of course, Mr. Chairman, the reason I asked the question is because it may be said that the Navy has the equipment; they have the destroyers; they have these motor launches; they have the men who are qualified for this duty if they saw fit to ask them to perform it.

The CHAIRMAN. As the chairman stated in the beginning—I would like to be confirmed by Admiral Billard—the Navy has acquiesced in this procedure?

Admiral BILLARD. Oh, yes; and we have received the most helpful cooperation from the Navy with respect to information, and so on.

The CHAIRMAN. All the information that the chairman has been able to pick up indicates that they would be very glad to get rid of it.

Mr. SHALLENBERGER. I would judge that the Navy probably would rather that this department take charge of it.

Admiral BILLARD. You saw, of course, the opinion of the Attorney General, which I read in the press, to the effect that the President could not use the Navy for that work.

Mr. SHALLENBERGER. I did not see that. I am glad to have you inform me of that.

You can at any moment place the Navy at the disposition of the President, and save here \$14,000,000 at once.

But there is no real need. Read what Admiral Billard says:

Mr. COOPER. Admiral, have any of your men been fired on by the rum runners?

Admiral BILLARD. There have been cases, as I recall now, where some of our men in launches have been fired on by these rum runners whom they are pursuing.

Mr. COOPER. Have any of them been wounded or killed?

Admiral BILLARD. No; none of our men have been killed, and I do not recall any of them ever being wounded.

Billard says nobody has been even wounded, and Haynes says smuggling is only a "leak" of slight importance.

It is proposed to expend this year over \$22,000,000 for the Coast Guard; and I submit to this House that it is only proper that when these officers are appointed—this large personnel—that there should be a limit to the period of their appointment. The period of need is uncertain. Read what the admiral says:

Admiral BILLARD. * * * In other words, that the whole project would be temporary and addressed particularly to the law-enforcement matter.

Mr. NEWTON. These destroyers—is it going to be much of an expense to condition them for this service? Of course, you will not use the same armament?

Admiral BILLARD. We have gone into that very thoroughly. We would prefer to keep the armament on board, the full armament, probably, because our officers and men would exercise with it naturally. The cost estimated for putting these destroyers into service—not particularly for this service, but for service—is \$100,000 apiece. Those figures, of course, we obtained from the Navy Department.

Mr. NEWTON. Of course, we have dozens of destroyers that are tied up at the docks, not in commission at all.

Admiral BILLARD. Yes, sir.

Mr. MERRITT. When you speak of this service being temporary, I suppose you mean that it depends on what may happen in the future, that it may be terminated at any time, or do you expect to wipe out all of the rum fleet in a course of a year or two?

Admiral BILLARD. That is something that any of you gentlemen know just as well as I do, Mr. Merritt. How long this operation will have to continue, I have no idea.

Nobody knows how long this all will last, and furthermore the nearly \$14,000,000 you are asked to spend does not cover even all of the Canadian border. It does not touch the Mexican border, and leaves open the St. Marys and the Detroit Rivers. Read the hearings:

Mr. HUDDLESTON. I would like to ask, how is smuggling prevented from Canada across, we will say, the Detroit River and the St. Lawrence?

Admiral BILLARD. Well, I rather think it is not prevented to any great extent.

Mr. HUDDLESTON. Have we a system of organized customs guards?

Admiral BILLARD. Well, there are customs officials, I presume, along all that stretch of boundary, and they do the best they can, and doubtless prevent a great deal of smuggling. About what I said a moment ago, somewhat in a spirit of levity, of course we all know there is a good deal of liquor comes across the boundary.

Mr. HUDDLESTON. I should imagine that the Lake region would need to be guarded the same as the coast region.

Admiral BILLARD. You may have misunderstood what I said, sir. I said that this plan does include the protection of the Lakes, but not of the St. Marys and Detroit Rivers. Personally, I feel that that is a duty for the land people, because the river is too narrow to accomplish anything or much by boats running up and down.

I know the committee appreciates that the way the Coast Guard links up with this thing is that one of its duties is to protect the customs laws of the United States, and this particular thing happens to be forbidden to be imported by act of Congress.

Mr. HUDDLESTON. That is why I used the word "smuggling," because smuggling must be quite an industry if there are no guards along the Canadian border.

Gentlemen, the Coast Guard asked for more than this bill gives them and the Budget cut them down. Note the following statements:

Mr. NEWTON. Admiral, may I interrupt you there? I believe, if my memory serves me correctly, that in the request originally it was for the construction and lease of some new vessels designed specially for work of this kind. Now, that part of the request was turned down, was it not, by the Director of the Budget?

Admiral BILLARD. That situation, Mr. NEWTON, is this: We, when directed, as I have stated, to prepare a general plan, suggested the construction of 20 cruising Coast Guard cutters for the offshore work. Our thought was that those vessels would be available, not only for this law enforcement but would be a valuable acquisition to the service and to the Government for the regular work of the service. The Bureau of the Budget were of the opinion that what was preeminently desired in the matter was prompt and effective results; also that the scheme should be a temporary measure, not concerned with the future growth or general utility of the Coast Guard, but for this specific work.

At the direction of the Bureau of the Budget we considered, then, what vessels the Government now has that would be of service for this particular law-enforcement work and that could be quickly put into service. The result of that discussion was the adoption of this program to utilize destroyers of the Navy.

Mr. NEWTON. Are any other ships besides destroyers included?

Admiral BILLARD. The program involves, furthermore, the utilization of a large number of motor launches. That was in our original program and was approved by the Bureau of the Budget. In other words, the only departure from the original plan as submitted was with respect to these offshore larger units.

If there is a temporary need use the Navy. If you refuse to do that, limit the period of all this huge and extra expenditure. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The question was taken, and the amendment was rejected.

Mr. WINSLOW. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto do close in five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate on this section and all amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. SPEAKS. Mr. Chairman, I offer an amendment.

The gentleman from Ohio offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SPEAKS: Strike out lines 8, 9, and 10 on page 1, and lines 1 to 12, inclusive, on page 2, and insert in lieu thereof the following:

"Sec. 2. The President is authorized to temporarily assign the following officers of the Navy to Coast Guard duty."

Mr. SPEAKS. Mr. Chairman and gentlemen of the committee, I have a very sincere purpose in proposing this amendment, which if adopted will insure certain enforcement of the law. I am for the law and believe it can be made effective. This amendment proposes transferring temporarily or assigning temporarily from the regular naval forces to Coast Guard duty the officers specified in the bill.

An emergency exists, and I want the country to note what our splendid Naval Establishment can accomplish in the way of law enforcement where it becomes necessary to rely upon that governmental agency in compelling respect for our laws and integrity.

Mr. BARKLEY. Will the gentleman yield?

Mr. SPEAKS. I yield to the gentleman from Kentucky.

Mr. BARKLEY. Does the gentleman know whether the Navy has any officers hanging around doing nothing that it can transfer to Coast Guard duty?

Mr. SPEAKS. In an emergency, such as now exists, it certainly will be possible to find sufficient officers to perform this highly important service without in anywise disturbing the naval routine. Even if it requires detailing officers from some of the vessels lying quietly in harbors or engaged in practice cruising. I believe the emergency warrants such action. Furthermore, it will prevent an unnecessary increase in the Coast Guard personnel and the expenditure of several hundred thousands of dollars annually.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 4. (a) All original temporary appointments under this act shall be made in grades not above that of Lieutenant, in the line or the Engineer Corps, and shall be made only after the candidate has satisfactorily passed such examinations as the President may prescribe. No person shall be given an original temporary appointment who is more than 40 years of age.

(b) The names of all persons appointed under this section shall be placed upon a special list of temporary officers, as distinguished from the list of permanent officers, of the Coast Guard. The President is authorized, without regard to length of service or seniority, to promote to grades not above lieutenant, in the line or Engineer Corps, or to reduce officers on such special list, within the number specified for each grade, and he may, in his discretion, call for the resignation of, or dismiss, any such officer for unfitness or misconduct.

Mr. WINSLOW. Mr. Chairman, on behalf of the committee I offer an amendment, which I will ask the Clerk to read.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WINSLOW: Page 3, after line 3, insert the following new subdivision:

"(b) Any warrant officer or enlisted man of the permanent Coast Guard may be given an original temporary appointment under this act, under such regulations as the President may prescribe, and without reduction in pay or allowances. Notwithstanding such temporary appointment any such warrant officer or enlisted man shall be entitled to retirement in the same manner as though he had continued to hold his permanent grade or rating, and upon the termination of such temporary appointment shall be entitled to revert to such grade or rating. Service under any such temporary appointment shall be included in determining length of service as a warrant officer or enlisted man."

Page 3, line 4, strike out "(b)" and insert in lieu thereof "(c)."

Mr. BLANTON. Mr. Chairman, I make the point of order that the amendment is not germane either to the purposes of the bill or to the paragraph to which it is offered.

The CHAIRMAN. Does the gentleman from Texas desire to cite any authorities?

Mr. BLANTON. I call the Chair's attention to the wording of the bill and to that paragraph. This is merely for the benefit of certain officers in the Coast Guard and has no relevancy whatever to the purposes of this bill.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard on the point of order?

Mr. WINSLOW. I think it is so apparently wrong that I will not make any remarks.

The CHAIRMAN. It looks to the Chair as though there were no question about the germaneness of this amendment. It deals with the subject and authorizes the President of the United States to do certain things in connection with the enforcement of this act, if it becomes an act. Among the things he is authorized to do is to appoint officers, and this amendment deals with the appointment of officers and indicates the source from which these officers shall come. The Chair overlooks the point of order.

Mr. WINSLOW. Mr. Chairman and gentlemen, when the bill was under discussion before the committee there was doubt as to whether or not full justice would be done under the original provisions to those warrant officers who are now with the Coast Guard in the event of their being promoted for temporary service under the provisions of this bill. The committee came to the conclusion it would be all right and we passed the original bill, but afterwards a more careful study was made, and in order to protect the interests of those who might be advanced, so that they would not lose by virtue of receiving less salary or lose their status from the standpoint of length of service, but would have the full strength of their position when they might be returned to the regular service, this change was made.

Mr. BUTLER. Mr. Chairman, I move to strike out the last word of the amendment for the purpose of asking the gentleman a question or two. Was the advisability of taking into this service some of the reserve force of the Navy considered by the gentleman's committee?

Mr. WINSLOW. I will say to the gentleman from Pennsylvania that the subject was discussed in the committee and privately. The same trouble seemed to exist there that existed in respect of every other one of these efforts to bring the Navy within the scope of this bill. Quite likely they might be brought in and quite likely the Navy might under some conditions be used, but that would necessitate the untangling of a mass of detail and a lot of laws as well as the creation of new laws, which would simply hold back this effort.

The point is this: If we are to push this thing through now and give the department the benefit of this development of the Coast Guard, we will have to do it without taking in the Navy; but if later it is wise to take in Naval Reserve officers we can do it at the proper time.

Mr. BUTLER. Some of the most valuable men ever employed in the military forces are to be found in the Naval Reserve.

Mr. WINSLOW. There is not a doubt about that. [Cries of "Vote!" "Vote!" "Vote!"]

Mr. BUTLER. Certainly a man has some privilege here. These gentlemen do not quite understand what they are doing, I may suggest. [Applause.] There is a complication here. I understand it is the purpose to employ some of these reserves, and I want to know what is to become of their pay in their grades. They get but small salaries. Are they to have two pays? They get now what is called retainer pay. Under the act of 1916 many of these men have left the active service after 16 years of service or 20 years of service and get what is known as retainer pay. My purpose is to help you with the bill. If you want to pay men two salaries, all right. They may wish to employ some of these reserves, and if they do, in my judgment, they should have but one pay, and I had an amendment which I proposed to offer, but I do not want to complicate the gentleman's bill. The gentleman and myself are in perfect accord.

Mr. WINSLOW. Quite.

Mr. BUTLER. But I would like to assist, if I could, by suggesting that in the event these reserves are called into the temporary service of the Coast Guard they might be employed, and when this temporary need for their service is at an end they should have the opportunity of returning to the grades they left. For three or four years I have tried to help some of the enlisted men of the Navy get back from temporary service to their grades, and I have not yet succeeded, and I do not want to see a mistake made here.

Mr. WINSLOW. As I understand it, that is provided for.

Mr. BUTLER. No; the amendment of the gentleman does not provide for that. Your bill provides for a temporary force built from the inside of the Coast Guard, this splendid service which your committee has charge of. It does not reach those now outside. I can not see how the Government is to obtain the enlisted force which it may be necessary to have or how we shall increase it. However, I am perfectly willing to vote for the gentleman's bill as it is. It may be corrected, perhaps, later if we find it necessary to do so.

Mr. WINSLOW. The committee is entitled to have an explanation of that. My conception is that under this bill the Coast Guard can promote officers within and enlisted men, and can reach out and get others wherever they choose.

Mr. BUTLER. Officers; yes.

Mr. WINSLOW. Anybody.

Mr. BUTLER. The gentleman understands the general law, the organic law and the additions made to it, which provided for the Coast Guard, and the gentleman will know whether or not under the general law they are authorized to increase the enlisted force of the Coast Guard.

Mr. WINSLOW. They are authorized to do that under this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. I ask for an additional minute.

Mr. SNYDER. Ask for five minutes.

Mr. BUTLER. No. Gentlemen are extremely anxious to vote on this bill, and I am not here for the purpose of blocking it in any way. I want to assist the gentlemen in increasing the Coast Guard. I have never known any part of the military service or of the civil service that attracted more favorable attention of everybody than the Coast Guard. There never was a better set of men employed in the service of any country in any pursuit, and I want to see the bill made exactly right if I can; but I am ready to vote for the improvement of the Coast Guard, and I almost hesitate to make a suggestion.

Mr. SNYDER. Mr. Chairman, I move to strike out the last word. It does not seem to me that in a matter as important as this, that gentlemen who desire to talk on it for a moment or two, ought to be carried off their feet.

Mr. BUTLER. Mr. Chairman, I want to correct my statement. My attention has been called to the fact that the bill does provide for the situation I had in mind.

Mr. SNYDER. I want the gentlemen of this House to know that I favor this legislation. I believe in the enforcement of the law and I am for this bill because I want to give the President an opportunity to endeavor to enforce the law; but I have a great deal of sympathy with the men who think that the officers at least, for these ships, should be taken from the personnel of the Navy. These ships now belong to the Navy. Whom could we find better qualified to operate them than the men who have operated them in the past, and why should not the reserve officers of the Navy be used to man them?

Mr. WINSLOW. If the gentleman will yield, for the purpose of information, which I am sure the gentleman wants the committee to have—

Mr. SNYDER. I am trying to get a little information myself. I have not yet heard where you are going to get these officers or the enlisted men.

Mr. WINSLOW. The Navy Department and the Coast Guard have worked out this bill and have approved it. The ships are to come from tie-ups at the docks in the East River and down in the James River where they are now gathered like rats around a vault.

Mr. SNYDER. Mr. Chairman, I do not yield further in my time.

Mr. WINSLOW. And they are not manned and they have no officers. [Cries of "Vote!" "Vote!"]

Mr. SNYDER. Gentlemen will not take me off my feet by calling for a vote. I do not take much of the time of this House.

The gentleman says that these ships are tied up. That is probably true, but we want to get action upon this matter, because it is called a "temporary matter," and there is no question about the necessity for action, and if you have to appoint new officers and get new men it is going to take months to put these ships in operation, whereas if you use the men from the Navy or from the reserve force of the Navy you can man these ships and have them in operation inside of a month.

Mr. BARKLEY. Will the gentleman yield?

Mr. SNYDER. Yes.

Mr. BARKLEY. It is the purpose of the Coast Guard to get these officers wherever they can. They do not intend to wait until they have trained a new set of officers, but there are men who have heretofore been in the service who may be qualified, and there is nothing in this bill to prevent them from being employed.

Mr. SNYDER. Does the gentleman mean to say that we are carrying enough idle men or enough reserve men in the Coast Guard to man these ships?

Mr. BARKLEY. No; I do not mean to say that, but I mean to say that the Coast Guard may utilize such men as they may find who heretofore have served in the Navy or they may find them elsewhere.

Mr. SNYDER. There is no doubt but that there would be some conflict of authority in taking men from the Navy and

putting them aboard these ships, but that is a matter of detail which could be easily worked out, and if you gentlemen who are so anxious to enforce this law want to get enforcement quickly you should change this bill and take your men from the Navy, and you can put them in action within a week.

Mr. BARKLEY. There is no limitation upon the Coast Guard as to where they will get the men to man these ships.

Mr. SNYDER. I agree with that, but there would be no delay and no additional expense to the Government if you took these men from the Navy or the reserve force.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on the committee amendment.

The amendment was agreed to.

The Clerk read as follows:

Sec. 5. (a) Under such regulations as he may prescribe the President is authorized to appoint, by and with the advice and consent of the Senate, 25 temporary chief warrant officers of the Coast Guard from the permanent list of warrant officers of the Coast Guard.

(b) Such chief warrant officers shall receive the same pay, allowances, and benefits as commissioned warrant officers of the Navy, except that any such officer shall continue to hold his permanent grade and shall be retired in the same manner as though this act had not become law.

Mr. UPSHAW. Mr. Chairman and gentlemen, I am supporting this bill because I believe it is a step in the right direction. Very frankly, I think the gentleman from Texas [Mr. BLANTON], who opposes the bill, is opposing it—much to our regret and contrary to what we count his prohibition consistency—on the ground that it does not go far enough. I am for this bill and "then some," and the time may come very soon when I shall be in favor of a greater step.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. UPSHAW. Yes.

Mr. BLANTON. Why did not the gentleman support my proposition, which was a real prohibition proposition?

Mr. UPSHAW. Because I did not wish to defeat this bill, which is emergency legislation. The plan proposed by the gentleman from Texas is so sweeping that it needs to be well considered in committee, with all details perfected. One of the bravest things ever said in Washington was uttered not so long ago by Governor Neff, of Texas, when, speaking largely for the very things that Mr. BLANTON has proposed in his resolution, lifting his fearless voice for the majesty of the law and for the threatened ideals of America before our own eyes and the eyes of the world, he said that if he had his way and a foreign vessel came upon these shores to "dispute our laws, pull down our American flag, and trample our sober Constitution, the owners of the outlaw vessel would have to look for their ship at the bottom of the sea." This bill proposes sea-shore relief and efficiency now, and for that reason I am in favor of all that we can get without delay.

Another thing that I want to emphasize is the fact that it is a step in the right direction in smashing a certain immunity for those in high position—a kind of gilded political liquor immunity.

We have been allowing it to men with power until our prohibition department is shot through and through with politics, not because Commissioner Haynes is not "dry" and honest but because the law allows Members of the House and the Senate to go down there and help to have "wet" men appointed to enforce "dry" laws. For that reason I am in favor of the Cramton bill that will put all enforcement officers under civil service.

Mr. COOPER of Ohio. The gentleman realizes that it is not the foreign vessels that deliver the whisky to our shores. They are American boats, small craft, and that is what we want to stop.

Mr. UPSHAW. Yes, and that is the reason I am in favor of this bill. It will help to catch and destroy the defiant small craft now smuggling liquid damnation which the big naval vessels could not immediately reach. May I say this other word, pertinent to this very bill? I am turning over to that committee in the Senate which proposes to investigate the affairs of the Department of Justice some evidence that is positively shocking to this country. For instance, a millionaire named Remus, who was recently sentenced for bootlegging in Cincinnati, according to press reports, was permitted to ride to Atlanta to the Federal penitentiary in his private car. He is now receiving special attention with another millionaire bootlegger as his valet, if you please, in the Atlanta Federal penitentiary, and everybody knows that such favoritism is not being granted by the prison authorities down there, but somebody higher up is allowing that kind of devilment. The poor devil

down yonder who violates the law concerning a gallon or a jug of illicit liquor is forced to suffer all of the humiliation possible, while the gilded millionaire who has grown rich out of the defiance of our laws and the blood of our American boys and girls is not even required to go to the big table and eat with the other criminals, but up in the room of the priest of that Federal penitentiary he is permitted to have special meals brought to him. I have in my pocket incontestible evidence of this millionaire's favoritism. Nobody blames the rich bootlegger for desiring and securing an easy time, but it is an outrage, and I shall ask the Senate committee, already in action, to extend its investigation to this glaring abuse by the Department of Justice.

Listen to a few lines from this startling letter, not from a prisoner but from a reputable citizen who knows the facts:

While Senator GREENE is near death, this institution is entertaining the "king of bootleggers." I can only hint at the real facts, but I can give you enough to convince you that a congressional investigation should be instigated at once. This king of bootleggers is too good to eat with the other prisoners and too good to sleep like them. He has privileges that the other prisoners do not have, and they are getting sore over it. * * * Other irregularities also need investigation.

This, gentlemen, gives an insight into the favoritism which the Department of Justice allows, for, as I have said, nobody believes that the authorities at the Federal prison would take such responsibility upon themselves. Let it be remembered that it is not a disposition to be unkind personally to this favored prisoner that causes me to publish this revelation, which, with other evidence, I will turn over to the Senate committee, but it is the basic purpose to see that, in prison as well as outside, there should be "equal rights to all and special privileges to none."

ANOTHER GREAT INJUSTICE.

And while this investigation is going on I hope they will go back a few months before the present head officials came to the Atlanta Federal prison and dig up the facts concerning an evident frame-up to destroy four of the most efficient and trustworthy employees in the prison. Through the testimony chiefly of dope fiends with bad records four men of long, faithful service were arrested and without any protest on their part to make handcuffs necessary they were handcuffed and carried through the streets in this humiliating fashion, a \$5,000 bond demanded, and two or three of them thrown in jail because of their immediate inability to furnish such an exorbitant bond. To make short a long and outrageous story, these men were finally given their liberty and reinstated there or elsewhere in Government positions. If they were guilty, they should not have been returned to work, and if they were innocent the Government certainly ought to pay them for their lost time. That would be as little as any just government could do. Senator WILLIAM J. HARRIS and I have introduced companion bills to pay what is due these worthy men, but the inspectors and officials who caused their suffering ought to be brought to justice.

Let justice be done, though the heavens tumble down.

Mr. TAGUE. Mr. Chairman, I move to strike out the last word. I rise for the purpose of asking the Chairman if the amendment which I suggested to him could not be offered at this place? I want to bring to the attention of the committee something I believe the Chairman will accept. The members of the Coast Guard who have been serving in the Coast Guard for many years on account of the law of February, 1922, were deprived of the benefit of the pension laws of the Nation. When the war came on all of the members of the Coast Guard went into the naval service, and in going into the naval service at that time they were given the benefit of the pension laws which were given to the members of the Army and the Navy. When the Coast Guard was returned to the Navy they lost those privileges, but men who have gone into the Coast Guard since 1922 are given the benefit of all of the pension laws, while the men who served during the war and who served previous to 1922 are deprived of those benefits. I believe it is only fair to those men, now that they are obliged to go and do Navy service and take the risks they are taking every day, that they should be given the benefit of those laws. I refer especially to the men who do the shore duty. I have an instance which I can bring to the attention of the House where a man in the Coast Guard Service going along on his patrol saw some men landing a boat.

He went to help them and they were bootleggers. They hit him with a bottle and broke his skull. He is dead and out of the service and left a wife and child who do not come within the provisions of the pension law. Now I do not think

it is the intention of the House to do that, and I know the Chairman will accept the amendment of this kind, which I gave to him a few moments ago.

The CHAIRMAN. Does the gentleman offer the amendment?

Mr. TAGUE. I offer the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. TAGUE: Page 3, line 23, after the period, insert the following: "All pension laws applicable to the Army and Navy shall apply to the personnel of the Coast Guard who are now serving or who served in the Coast Guard subsequent to August 28, 1919."

Mr. BLANTON. Mr. Chairman, I make the point of order.

Mr. HOCH. I make the point of order that the amendment is not germane to this bill or to this section.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 6. Under such regulations as he may prescribe, the Secretary of the Treasury is authorized to appoint temporary warrant officers, and to make special temporary enlistments, in the Coast Guard. No person shall be entitled to retirement because of his temporary appointment or enlistment under this section.

Mr. WINSLOW. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 24, before the word "under," insert "(a)," and on page 4, after line 3, insert the following new provision: "(b) Any enlisted man in the permanent Coast Guard may be appointed as a temporary warrant officer. Notwithstanding such temporary appointment any such enlisted man shall be entitled to retirement in the same manner as though he had continued to hold his permanent rating, and upon the termination of such temporary appointment shall be entitled to revert to such rating. Service under such temporary appointment shall be included in determining the length of service as an enlisted man."

Mr. BLANTON. I make a point of order this is looking entirely to a new subject and not germane to the other purposes of the bill or to the paragraph.

Mr. WINSLOW. It has the same purpose.

The CHAIRMAN. The Chair overrules the point of order. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FRENCH. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. FRENCH: On page 4, after line 3, insert a new section, as follows:

"SEC. 7. Temporary appointment of any member of the Naval Reserve Force to any enlisted or commissioned grade in the Coast Guard shall not prejudice his status in the Naval Reserve Force when his temporary services in the Coast Guard shall have terminated. While serving as Coast Guard the members of the Naval Reserve Force shall not be entitled to retainer pay or any other special privileges by reason of their temporary service in the Navy or Naval Reserve Force, except that service in the Coast Guard may be counted as service in the Naval Reserve Force."

Mr. FRENCH. Mr. Chairman, the Coast Guard will probably draw its ablest men under this bill from the Naval Reserve. We have several thousand men who are now enrolled with the Naval Reserve or are members of the Fleet Reserve who have had years of naval service. Some of these men have served 16 years and some 20 years who are to-day drawing retainer pay. Those who served 16 years and under 20 draw retainer pay to the extent of 50 per cent of their rating in the naval service, and those who served 20 years are drawing two-thirds pay of their respective ratings upon retirement. Many of these men entered the Naval Reserve Force in order that we might reduce the size of the personnel of the Navy. In order to make an inducement for them to go into the Naval Reserve Force two or three years ago we passed a voluntary retirement law so they might occupy this status in the Naval Reserve Force and withdraw from the higher-paid ratings of the Navy. The effect of this amendment that I have offered will be to permit the Coast Guard to have the advantage of the long and valuable experience of these men, and not cause them to forfeit their right to be members of the Naval Reserve when they shall withdraw from the service with the Coast Guard.

Another provision is that during the period they may serve with the Coast Guard they will not receive retainer pay. Thus you will save to the Government probably thousands of dollars that you are now paying as retired pay or retainer pay. We are paying to men of the various classes to-day more than \$5,000,000. They are men who are standing by; they are performing valuable service in standing by because they will be of incalculable service in the event of war. Here, however, is an opportunity for the Coast Guard to have the service of well-trained, valuable men, who thus will be retaining their efficiency, while, on the other hand, the Government will be spared the necessity of paying for their service as members of the reserve force.

Mr. BLANTON. I withdraw the point of order.

Mr. WINSLOW. The committee will not object to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SCHAFER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. SCHAFER. Mr. Chairman, I move to strike out the last word. I do so, Mr. Chairman, for the purpose of asking a question of any member of the committee who may be able to answer it. The question is this: Am I correct in assuming that the enlisted men who will man these boats will be employed only temporarily as per section No. 6? I ask this question for the reason that during the past summer I tried to obtain the release of an enlisted man in the Revenue Cutter Service, on the revenue cutter *Tuscarora*, operating on Lake Michigan, and was unable to obtain his speedy release, owing to the fact that efficient men were not at hand to fill the vacancy which would occur.

I can not see for one moment how you are going to procure competent and qualified enlisted men and a sufficient number of efficient enlisted men if you are going to employ them only for a temporary period, when they will not know whether it will be a week or a month.

Mr. BUTLER. If the gentleman will permit me, under the amendment which was just adopted, the one offered by the gentleman from Idaho [Mr. FRENCH], I can assure the gentleman that they are likely to get all they desire to have from what is known as the Reserve Force, men not actively employed.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 7. Nothing contained in this act shall operate to reduce the grade, rank, pay, allowances, or benefits that any person in the Coast Guard would have been entitled to if this act had not become law.

Mr. WINSLOW. Mr. Chairman, I would like to offer an amendment, to change the number "7" to the number "8" as a section number.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WINSLOW: Page 4, line 4, strike out the figure "7" and insert the figure "8."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the amendment offered some time ago by the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, on page 4, line 7, after the word "law," insert a new section, to be known as section 9.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 4, line 7, after the word "law," insert a new section, to be known as section 9, as follows: "Acts or parts of acts inconsistent with or contrary to the provisions of this act are hereby repealed."

Mr. BLANTON. Mr. Chairman, I make a point of order against that on the ground that it is not in order. That would repeal the naval act and many provisions of our Coast Guard act. It might repeal some of the provisions of our prohibition act, and it is not so intended. It is not in accordance with the purposes of the bill.

Mr. CELLER. Mr. Chairman, will the Chair hear me on the point of order?

Mr. DYER. Mr. Chairman, I make a point of order also, that this provision is not necessary and is purely surplus.

The CHAIRMAN. The Chair will hear the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I have in mind a specific statute passed many years ago which undoubtedly would be inconsistent with some of the terms of this present enactment. That particular statute provides that all surplus vessels of the Navy are compelled to remain in convenient and ordinary ports. If you have such a statute, I can not see how the Navy can loan its vessels to the Coast Guard for the purposes enumerated in this bill. For that reason I think this amendment is quite proper and in order.

The CHAIRMAN. The Chair held that the amendment could be offered, and overrules the point of order. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. WINSLOW. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MADDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 6815) to authorize the temporary increase of the Coast Guard for law enforcement, had directed him to report the same back to the House with the sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WINSLOW. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

Mr. HILL of Maryland. Mr. Speaker, is it in order to move to recommit now?

The SPEAKER. It is not. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

Mr. BLANTON. Mr. Speaker, I demand the reading of the engrossed copy.

The SPEAKER. The gentleman from Texas demands the reading of the engrossed copy. The engrossed copy is not ready.

ALLEGED CHARGES AGAINST TWO MEMBERS OF CONGRESS—INVESTIGATING COMMITTEE.

The SPEAKER. The Chair wishes to appoint as members of the committee authorized by the vote of the House to-day to consider the question of the report of the grand jury in Chicago Mr. BURTON, Mr. PURNELL, Mr. MICHENER, Mr. WINGO, and Mr. MOORE of Virginia.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 5337. An act granting the consent of Congress to construct a bridge over the St. Croix River between Vanceboro, Me., and St. Croix, New Brunswick;

H. R. 5348. An act granting the consent of Congress for the construction of a bridge across the St. John River between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada; and

H. R. 5624. An act authorizing the construction of a bridge across the Ohio River to connect the city of Benwood, W. Va., and the city of Bellaire, Ohio.

The message also announced that the Senate had passed Senate joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 76. Joint resolution authorizing the maintenance by the United States of membership in the International Statistical Bureau at The Hague;

S. J. Res. 77. Joint resolution authorizing the appointment of delegates to represent the United States at the seventh Pan-American Sanitary Conference to be held at Habana, Cuba, in November, 1924; and

S. J. Res. 79. Joint resolution to provide for the representation of the United States at the meeting of the Inter-American Committee on Electrical Communications to be held in Mexico City beginning March 27, 1924.

SENATE JOINT RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, Senate joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. J. Res. 76. Joint resolution authorizing the maintenance by the United States of membership in the International Statistical Bureau at The Hague; to the Committee on Foreign Affairs.

S. J. Res. 77. Joint resolution authorizing the appointment of delegates to represent the United States at the Seventh Pan-American Sanitary Conference to be held at Habana, Cuba, in November, 1924; to the Committee on Foreign Affairs.

S. J. Res. 79. Joint resolution to provide for the representation of the United States at the meeting of the Inter-American Committee on Electrical Communications to be held in Mexico City beginning March 27, 1924; to the Committee on Foreign Affairs.

LEAVE OF ABSENCE.

Mr. JACOBSTEIN, by unanimous consent, was granted leave of absence, for one week, on account of illness.

EXTENSION OF REMARKS.

Mr. WINSLOW. Mr. Speaker, I ask unanimous consent that all Members shall be allowed five legislative days in which to extend their remarks on the bill (H. R. 6815) to authorize a temporary increase of the Coast Guard for law enforcement.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. UPSHAW. Mr. Speaker, does that allow me to extend my remarks on the bill just passed?

The SPEAKER. Yes.

Mr. HERSEY. Mr. Speaker, I ask unanimous consent to extend my remarks on the resolution of investigation.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

INCREASE OF COAST GUARD FOR LAW ENFORCEMENT.

Mr. CELLER. Mr. Speaker and gentlemen of the House, it seems because of prohibition we lose some of our senses. As soon as the word "prohibition" is mentioned, some of the Members of the House become mentally lopsided. H. R. 6815 authorizes an increase of the Coast Guard for prohibition enforcement and involves a yearly expenditure of \$13,000,000. One can not look with complacency upon such a project. We recently voted \$10,000,000 for the enforcement of prohibition and now we are to add \$13,000,000 in a futile attempt to make the sea dry after having ingloriously failed to make the country dry. A careful reading of this bill shows it is merely a stalking horse for the use of the military and naval forces of the country for the enforcement of prohibition. The bill provides for the use of mine sweepers, torpedo boats, and many other engines of war.

Aside from common-sense objections there is to my mind a constitutional one. The gentleman from Texas [Mr. BLANTON] a moment ago asked anyone to tell him what constitutional objections there were and nobody seemed to answer him. I, however, reserved my right to answer until I had the floor.

Story on the Constitution says—

The power to raise armies is an indispensable incident to the power to declare war.

And when the term "armies" is used it always means the Army, Navy, and Marine Corps.

The logical inference to be drawn is that the Army and the Navy are primarily vehicles for carrying on of war. It is true that the Coast Guard can be used in times of peace for the enforcement of civil law, but there is never found in the Coast Guard mine sweepers, torpedo boats, and destroyers. They would not dare use openly the vessels of the Navy to enforce prohibition. They simply transfer the naval vessels to the Coast Guard, and then have the hardihood to say that the Navy is not being used, but that it is the Coast Guard that is being used.

Hamilton, in the Federalist, many years ago said:

It was said that Congress, having an unlimited power to raise and support armies, might, if in their opinion the general welfare required it, keep large armies constantly on foot and thus exhaust the resources of the United States. There is no control on Congress as to numbers, stations, or government of them. They may billet them on the people at pleasure. Such an unlimited authority is most dangerous and in its principles despotic, for, being unbounded, it must lead to despotism. We shall, therefore, live under a government of military force. In re-

spect to times of peace it was suggested that there is no necessity for having a standing army, which had always been held under such circumstances to be fatal to public rights and political freedom.

I need not comment on the language used by Hamilton, but let me quote something else that is found in Story on the Constitution with reference to what the Attorney General said about the unconstitutionality of the bill before us:

It may be admitted that standing armies may prove dangerous to the State. But it is equally true that the want of them may also prove dangerous to the State. What, then, is to be done? The true course is to check the undue exercise of the power, not to withhold it. This the Constitution has attempted to do by providing that "no appropriation of money to that use shall be for a longer term than two years." Thus, unless the necessary supplies are voted by the representatives of the people every two years, the whole establishment must fall. Congress may, indeed, by an act for this purpose disband a standing army at any time, or vote the supplies only for two years or for a shorter period.

There is nothing in the bill which provides that these torpedo boats, revenue cutters, mine sweepers, and so forth, shall be used for a period of two years. The bill provides for their temporary use. The word "temporary" is relative and may mean one year or a dozen years. In so far as the appropriation is made for a period that may be longer than two years, I say that the act is unconstitutional. Furthermore, I call to mind that Chief Justice Taft, not so long ago, stated that the military and naval forces can not be used for the enforcement of civil law.

Article 1, section 8, clause 12, provides that—

Congress shall have power * * * to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

Clause 13 provides that—

Congress shall have power * * * to provide and maintain a Navy.

Clause 14 provides that—

Congress shall have power * * * to make rules for the government and regulation of the land and naval forces.

These clauses contain the total sources of power of Congress over the Army and Navy. Careful search of the cases in the Supreme Court shows that this power involves power to conscript soldiers to suppress insurgency and rebellion; to establish naval academies; to provide for punishment of desertion and other crimes by courts-martial, and so forth; but nowhere do we find any express right given to use the military or naval arms of the Government to enforce our municipal or national law. In so far as the power of the Federal Government is a limited one, and furthermore, since the power to enact the instant proposal can not be found in any express or implied provision of the Constitution, I shall vote against it.

The people of the country are becoming restive under prohibition. They find homes invaded, their suit cases opened, and their public officials shot down in cold blood. There is no longer right of castle. Nothing is any longer sacred to the prohibition enforcement officials. How long must we endure it all? Prohibition has ushered in an utter disregard of law and order. Is it worth the price? Under the mockery of law enforcement we would fritter away the whole Treasury only to find more drinking and more drinkers. Prohibition is upon our backs like an incubus, breeding deceit, dishonesty, and chicanery.

Let me call attention to the fact that there has just been had a "wet" and "dry" poll of votes over the radio, conducted by the Zenith WJAZ broadcasting station at Chicago, Ill. The results were as follows:

Nearly 46,673 men and women throughout the United States telegraphed Station WJAZ between the hours 10 p. m., Saturday night, March 8, and 10 p. m., Sunday night, March 9.

These 46,673 people telegraphed their votes from every State in the Union, from homes on farms and in cities, from clubs and hotels, from mansions and from bungalows. No truer reflection of public opinion on the subject could be obtained—

United States wet	34,185
United States dry	12,483
Total	46,668

The advocates of prohibition are never satisfied. They will never learn. There are none so blind as those who will not see. These \$23,000,000 we give is a rope of sand. Each year they will want more and more. They are as insatiate as the grave.

Is prohibition worth the price?

MEMORIAL ADDRESS ON WOODROW WILSON.

Mr. MAJOR of Missouri. Mr. Speaker, I ask unanimous consent to insert a memorial address delivered by Rev. J. Marvin Culbreth at the memorial services for Woodrow Wilson held at Fayette, Mo., on Sunday, February 10, 1924.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WOODROW WILSON—AN INTERPRETATION.

(By Rev. J. Marvin Culbreth.)

Every great man is, in part, the product of the soil to which he is attached. Changes in climate produce variations in character. With the very blood are mixed the elements which give distinctive richness to different localities.

Woodrow Wilson was nurtured, first of all, under the kindly shelter of Virginia mountains. His eyes early learned to gaze upon the summits of the hills that stood round about his valley home. All unaware, he imbibed something of their stability, grandeur, and majestic poise. Then he lived between the river and the sea. The river became to him a symbol of life rising in the mountain fastnesses and flowing to the plain.

"Where cities did crowd to its edge
In a blacker incessanter line,"

and passing on to mingle with "the murmurs and scents of the infinite sea." The marsh into which the ocean poured its tide sang to him in myriad voices of the "infinite greatness of God," and the sea itself boomed out to his listening ear the wisdom, the catholicity, of the human mind.

Among the whispering oaks of Guilford County, N. C., he tarried for a while as a college student, and later adjusted himself to the sharply intellectual atmosphere of the East, where he received the final bent toward his career in the stormy arena of political action.

It is impossible to understand the career of Woodrow Wilson without admitting, to begin with, that he was a man of destiny.

He believed himself destined for greatness. As a youth he carried the air of one set apart for extraordinary undertakings. This may be accounted for in part by the theology in which he was nurtured. Calvinism was always right in teaching that God designed some men for greatness. Armenians are right, too, in believing that personal initiative and choice play a part. In his experience Wilson clearly enough combined the two systems. The gleam flashed before his eyes, and he followed it. The heavenly vision burst upon him, and he was not disobedient. It can not be doubted that in what he attempted as well as in what he so rigidly adhered to he was controlled by this abiding conviction. It is the one consideration which may explain what might be called his intellectual fanaticism. But this trait lay deeper than the dogmas of formal theology. It was centered in the magnetism of Jesus Christ, for Woodrow Wilson submitted to Him as the right man. His steadfastness of purpose was grounded in obedience to the captain of his soul.

It was a great mistake, as his political enemies as well as friends soon found out, to think of Mr. Wilson as an impractical school man elevated by the accidents of politics to the position of nominal leadership. Woodrow Wilson was trained for statecraft.

As an undergraduate he became interested in the study of the science of government. He deliberately divided his time between the subjects assigned in the curriculum and an independent investigation of the parliamentary system of Great Britain. At Johns Hopkins he pursued graduate courses in the same field. As lecturer at Princeton University he won fame as an authority in political science. It is not surprising that when he came to the Presidency he followed the conceptions of government which he had been maturing through all these years.

Those who would have used Mr. Wilson to serve their preferred designs could not have been ignorant of his academic equipment. What they failed to reckon with was his superb ability to "labor as he knew," to translate theory into fact, to exalt principle in courageous conduct.

The student of history is often surprised by the recurrence of absolutism in government. When parliamentary arrangements break down or themselves become oppressive, now and then a master will assume control and rule by his own decision. Woodrow Wilson was an absolutist. Of course, there were checks and balances which he loyally recognized. But his was the spirit of an absolute ruler. The temper if not the blood of the Tudors was his heritage. He announced and upheld the principle that "the President is at liberty, both in law and conscience, to be as big a man as he can." The method of Woodrow Wilson as well as the results he achieved show a parallel to the spirit and deeds of a benevolent absolutist.

He found himself in the position of supreme command. He gave orders and required obedience. Then there was an outcry against Executive interference. Small men with only one thought, and that to cater to the aimless whims of a largely indifferent constituency,

chafed under the authority of the President. Enemies without the party and also within raised the cry of revolt. Wilson has been bracketed with Lincoln as one who suffered at the hands of his contemporaries the bitterest denunciation and criticism. Some even among his warmest admirers called in question his wisdom and impeached his motives.

In his appraisal of Wilson, Lloyd-George says that "he walked on his weaker opponents, a dangerous policy for a great man. One can trample on great men, but not little men; there are too many of them." Was this, if true, due to "malice or cold disdain"? Was it an unfortunate manifestation of temperament? Or was it a necessary phase of Wilson's idealism? Of this I shall speak later. There is a more obvious justification for the President's absolutism.

Look at the work he accomplished. Take away his habit of command and you make impossible the shining achievements which signalized his career.

At Wesleyan College the young professor, also serving as coach, took a hopelessly outclassed football team and whipped it into shape to wrest victory from a university squad. "Go in to win" was the young professor's command to the faltering eleven. And they won.

At Princeton he set himself against the traditions of the school, defied the opposition of colleagues and students, and braved the wrath of an aroused alumni by seeking to make living conditions among the students more democratic.

As Governor of New Jersey one of his first acts was to compel party leaders to deal fairly with a man who had been nominated in the primary only to be threatened with rejection in the election by the perfidy of the party bosses. And the world plentifully applauded the vigorous laws he pushed through against predatory trusts.

When Mr. Wilson became President it was not by the deliberate choice of the people or because he was the leader of his party, but solely "by the negative merit of availability." He received only 6,291,000 votes, fewer than Bryan received each time he was defeated. He became a minority President and had behind him a party without a specific program.

But see what he accomplished.

The revision of the tariff, representing a reduction in the level of rates of at least 10 per cent.

The Federal reserve act, which "assumed the character of a political miracle."

The Children's Bureau, which was a first step toward lifting babies to an equal footing with pigs in the estimation of the Government.

The seamen's act, which applied humanitarian consideration to the treatment of American sailors in all parts of the world.

The repeal of the Panama tolls exemption bill by which America had evaded honorable engagements assumed in treaties with Britain and France.

The payment to Colombia of \$25,000,000 for the territory taken for the use of the canal.

The Adamson law, recognizing the principle of union labor and establishing an 8-hour day for transportation industries.

Finally, the conduct of the war. The gigantic preparedness program, the miracle of thorough maintenance, the terrible effectiveness of force without stint in beating back the German millions.

Over against these victories there is recorded a single failure, a single defeat, so colossal in proportions, so full of possibilities of poignant suffering, that to many it outbalances all that was won. This was the failure of the effort of Mr. Wilson to commit America to an honorable participation in world peace as he had led his country in an honorable participation in the World War. His failure was attributed, even by many sincere friends, to his spirit of absolutism. For the sake of an empty show of ratifying the treaty, many counselors would have emasculated the President of the very virtue by which he had achieved success in former enterprises. Of this I shall speak again.

The matter that concerns us now is to understand the meaning of this defeat.

It is already clear enough that the failure to get the treaty ratified by the United States Senate furnishes the background against which the idealism of Woodrow Wilson is vividly shown. From the obscurest quarter of the globe have come recognitions of the transcendent unselfishness of our martyred President. His irreconcilable enemies have coupled their strongest denunciations with a confession of his surpassing idealism.

What kind of idealism was it that Woodrow Wilson had?

It was intelligible. And it was expansive. It was not capable of being contracted. It has proved intelligible to 51 nations! It is not fully comprehended yet, but it has made a successful initial appeal to uncounted millions of common people. And the limit of its power does not yet appear.

The cloven foot of the beast that turned America from following Wilson has been revealed in two very recent incidents. When certain Senators resorted to the puerile and contemptible attempt to compromise the American peace award, they betrayed the cunning and sinister motives which all along have actuated the enemies of the League of

Nations. And when the German Government denied its representative the requested privilege of extending official condolence at the death of Mr. Wilson, the power that was largely responsible for his defeat in this, his own country, showed its hyphenated head.

But let us dismiss a phase of the subject so irritating, so revolting, and turn to the dream for which Mr. Wilson staked all and lost.

It was a dream of world peace based upon restitution for wrongs inflicted, confidence in diplomacy, frankness in dealing with the common people, equality of opportunity for all, and unfettered nationalism. He challenged the world to accept these aims. He called upon strong governments to assist the weak to become partners with themselves in the grand enterprise. He applied to the Nation the same rule of service that our Christian confession applies to the individual. He brought us measurably nearer to the day—

"When war drums throb no longer and the battle flags be furled

In the parliament of man, the federation of the world."

Finally, it is necessary to account for the fact that Woodrow Wilson's idealism survived the shock of defeat. It did so because the man was incorruptible.

There is undeniably pathos in his loss of friendships. But there is unmistakable grandeur and nobility in the fact Mr. Bryan, Mr. Garrison, Mr. Page, Mr. Lansing, to mention only the most conspicuous examples, failed to hold his confidence, though some of them may not have suffered in his esteem. To what is this painful inability to keep on terms with once trusted counselors ascribable? To peevish, unreasonable, arrogant, self-opinionated conceit? Many would have us think so. But there is a different explanation. It was due to his horror of betraying his ideal. When an opinion shaded off into disloyalty to his dream as he had conceived it and fought for it, he simply was bound to show antagonism. Who knows but that if those individuals closely connected with him in making the treaty had not weakened, had not advised concessions, the enemies of the covenant might never have gained strength for successful opposition. Woodrow Wilson could not be corrupted or weakened by the wavering of his chosen friends. For loyalty to his ideal he paid the price of separation from men whom he sorely needed and all too sadly missed.

So he was a pathetic figure as he neared the end. But in noble dignity he bore this affliction of the heart, as he endured the lesser affliction of the body, and closed his spoken message to the world that rejected him with the strangely apostolic words:

"I am ready!"

ADJOURNMENT.

Mr. WINSLOW. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 23 minutes p. m.) the House adjourned until to-morrow, Thursday, March 13, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

396. Under clause 2 of Rule XXIV, a letter from the Secretary of Agriculture, transmitting a report for the fiscal year ended June 30, 1923, concerning the appropriations for the construction of rural post roads in cooperation with the States, the Federal administration of this work, and the survey, construction, and maintenance of roads and trails within or only partly within the national forests, was taken from the Speaker's table and referred to the Committee on Roads.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LANGLEY: Committee on Public Buildings and Grounds. S. 211. An act to provide for the building of a conservatory and other necessary buildings for the United States Botanic Garden; with amendments (Rept. No. 286). Referred to the Committee of the Whole House on the state of the Union.

Mr. FULBRIGHT: Committee on Invalid Pensions. H. R. 5936. A bill to extend the provisions of the pension act of May 11, 1912, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes; without amendment (Rept. No. 287). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HULL of Iowa: Committee on Military Affairs. H. R. 5274. A bill to authorize the Chicago, Milwaukee & St. Paul

Railway Co. to construct and operate a line of railroad across Fort Snelling Military Reservation in the State of Minnesota; without amendment (Rept. No. 285). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 7845) to amend section 210 of the war risk insurance act; to the Committee on World War Veterans' Legislation.

By Mr. CASEY: A bill (H. R. 7846) to extend the time for the construction of a bridge across the north branch of the Susquehanna River from the city of Wilkes-Barre to the borough of Dorranceton, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. HUDSON: A bill (H. R. 7847) for the purchase of land in Oakland township, Oakland County, Mich., to be used for a rifle range; to the Committee on Military Affairs.

By Mr. JOHNSON of Texas: A bill (H. R. 7848) to provide for the erection of a post-office building at Groesbeck, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7849) to provide for the enlargement and remodeling of the post-office building at Bryan, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. SIMMONS: A bill (H. R. 7850) to authorize the deferring of payments of reclamation charges; to the Committee on Irrigation and Reclamation.

By Mr. SUTHERLAND: A bill (H. R. 7851) to amend the act entitled "An act to establish a bureau of immigration and naturalization and to provide a uniform rule for the naturalization of aliens throughout the United States"; to the Committee on Immigration and Naturalization.

By Mr. SCHAFER: A bill (H. R. 7852) to enlarge and extend the post-office building in Milwaukee, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. WOLFF: A bill (H. R. 7853) for the purchase of a post-office site at Flat River, Mo.; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACON: A bill (H. R. 7854) for the adjudication and determination of the claims arising under the extension by the Commissioner of Patents of the patent granted to Frederick G. Ransford and Peter Low as assignees of Marcus P. Norton, No. 25036, August 9, 1859; to the Committee on the Post Office and Post Roads.

By Mr. COLE of Ohio: A bill (H. R. 7855) granting a pension to Lewis Corfman; to the Committee on Invalid Pensions.

By Mr. DALLINGER: A bill (H. R. 7856) to correct the military record of Thomas F. Cooney; to the Committee on Military Affairs.

By Mr. ELLIOTT: A bill (H. R. 7857) granting a pension to Almira M. Mitchell; to the Committee on Invalid Pensions.

By Mr. FAIRFIELD: A bill (H. R. 7858) granting a pension to Catherine M. Cleland; to the Committee on Invalid Pensions.

By Mr. GARRETT of Texas: A bill (H. R. 7859) for the relief of the Houston (Tex.) Chamber of Commerce, and the Hermann Hospital estate, and Bertha E. Roy, and Max A. Roy, and J. M. Frost, and J. J. Settegast; to the Committee on Claims.

By Mr. GLATFELTER: A bill (H. R. 7860) granting an increase of pension to Mary A. Brenaman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7861) granting an increase of pension to Emma Kauffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7862) granting an increase of pension to Emaline Sloat; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7863) granting an increase of pension to Euphenia Spangler; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 7864) granting a pension to Blanch H. Sims; to the Committee on Invalid Pensions.

By Mr. McLEOD: A bill (H. R. 7865) granting an increase of pension to Mary Jane Wilking; to the Committee on Invalid Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 7866) granting a pension to Bridget M. Carpenter; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 7867) granting a pension to Nancy J. Bryant; to the Committee on Pensions.

By Mr. PEAVEY: A bill (H. R. 7868) for the relief of Frank Murray; to the Committee on Claims.

By Mr. REED of West Virginia: A bill (H. R. 7869) for the relief of Allen Nichols; to the Committee on Military Affairs.

Also, a bill (H. R. 7870) for the relief of William A. Callo-way; to the Committee on War Claims.

By Mr. SCHAFER: A bill (H. R. 7871) granting a pension to Charles W. Dencker; to the Committee on Pensions.

By Mr. SIMMONS: A bill (H. R. 7872) granting an increase of pension to Mary J. Kimbell; to the Committee on Invalid Pensions.

By Mr. SMITHWICK: A bill (H. R. 7873) granting a pension to Louis D. Robinson; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 7874) granting a pension to Lottie A. Bowhall; to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 7875) granting a pension to Mary Ann Newkirk; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 7876) granting a pension to Louise E. Shull; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1688. By the SPEAKER (by request): Petition of city council of the city of Chicago, favoring a strict enforcement of laws regarding the traffic in habit-forming drugs; to the Committee on Ways and Means.

1689. By Mr. ALDRICH: Petition of Washington Council, No. 2, Junior Order United American Mechanics, of Providence, R. I., favoring passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1690. Also, resolution of Workmen's Circle, Branch 110, of Providence, R. I., protesting against the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1691. Also, resolution adopted by Narragansett Council, No. 28, Sons and Daughters of Liberty, of East Greenwich, R. I., urging passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1692. By Mr. ARNOLD: Petition of employees of the Mount Carmel, Ill., post office, asking that favorable action be taken by the House on House bill 7016; to the Committee on the Post Office and Post Roads.

1693. By Mr. CULLEN: Petition of the New York State Forestry Association, indorsing the movement which resulted in the planting of nearly 9,000,000 forest trees in the State last year as a measure of first economic importance to the State, and approving the provisions of the McNary bill (S. 1182) and the Clarke bill (H. R. 4830) for the purpose of bringing about continuous forest production on all land chiefly suitable therefor; to the Committee on Agriculture.

1694. Also, petition of the Brooklyn-Long Island Camp, No. 16, Woodmen of the World, favoring the passage of the Edge-Kelly bill, granting an increase in salary to postal employees; to the Committee on the Post Office and Post Roads.

1695. By Mr. GALLIVAN: Petition of Jesse F. Stevens, the adjutant general of the Commonwealth of Massachusetts, recommending early and favorable consideration of House bill 4820; to the Committee on Military Affairs.

1696. Also, petition of Sisterhood and the Men's Club of the Congregation Beth Hamadrash Hagadol, Boston, Mass., protesting against the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1697. By Mr. GARNER of Texas: Petition of Retail Merchants' Association of Granger, Tex., and Retail Merchants' Protective Association, of Denison, Tex., indorsing increase of postage on second-class matter, reduction of 1 cent on drop and rural-route letters; to the Committee on the Post Office and Post Roads.

1698. Also, petition of Retail Merchants' Credit Rating Association, of Port Arthur, Tex., indorsing increase of postage on second-class matter, reduction of 1 cent on drop and rural-route letters; to the Committee on the Post Office and Post Roads.

1699. By Mr. HICKEY: Petition of Elkhart Branch of the Railway Mail Association, Chicago, favoring increased compensation for postal employees; to the Committee on the Post Office and Post Roads.

1700. By Mr. KELLY: Petition of Braddock Lodge, No. 516, J. O. B. B., Braddock, Pa., opposing provisions of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1701. Also, petition of Railway Postal Clerks, St. Paul, Minn., favoring the Kelly-Edge postal reclassification bill; to the Committee on the Post Office and Post Roads.

1702. By Mr. KING: Petition of the Henry County (Ill.) Farm Bureau, in favor of the McNary-Haugen bill and against the Norbeck bill and the Williams amendment to the packers' stockyards control bill; to the Committee on Agriculture.

1703. By Mr. LEAVITT: Petition of Spanish-American War veterans of the Jack Foster Camp, No. 5, Soldiers' Home, Hot Springs, S. Dak., indorsing the Knutson and Bursum pension bills (H. R. 5934 and S. 5); to the Committee on Pensions.

1704. By Mr. McNULTY: Petition of Essex County Pharmaceutical Association of New Jersey, favoring House bills 6 and 11; to the Committee on Interstate and Foreign Commerce.

1705. Also, petition of Franklin Camp, No. 29, Department of New Jersey, United Spanish War Veterans, urging the passage of House bill 5934; to the Committee on Pensions.

1706. By Mr. NEWTON of Minnesota: Petition of Mr. August J. Rick and other residents of the Minnesota Soldiers' Home, urging the passage of the Bursum bill (S. 5) and the Knutson bill (H. R. 5934); to the Committee on Pensions.

1707. By Mr. O'CONNELL of Rhode Island: Petition of members of the Workmen's Circle, Branch 110, of Providence, R. I., opposing the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1708. By Mr. STRONG of Kansas: Petition of Chamber of Commerce of Herington, Kans., opposing changes in the transportation act at this time; to the Committee on Interstate and Foreign Commerce.

1709. By Mr. STRONG of Pennsylvania: Petition of citizens of Rathmel, Pa., and vicinity, in favor of the Johnson-Lodge immigration bill; to the Committee on Immigration and Naturalization.

1710. Also, petition of Charles B. Gillespie Unit, No. 110, American Legion Auxiliary, Freeport, Pa., in favor of adjusted compensation for World War veterans; to the Committee on Ways and Means.

1711. By Mr. TEMPLE: Petition of a number of residents of Canonsburg, Pa., in support of the adjusted compensation bill; to the Committee on Ways and Means.

1712. By Mr. WATSON: Petition from members of the Norriton-Lower Providence Presbyterian Church, favoring that the motion-picture industry be placed under more direct control of the Federal Government; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, March 13, 1924.

(Legislative day of Wednesday, March 12, 1924.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Secretary will call the roll.

The principal clerk called the roll, and the following Senators answered to their names:

Adams	Ferris	McCormick	Sheppard
Ashurst	Fess	McKellar	Shipstead
Ball	Fletcher	McKinley	Simmons
Bayard	Frazier	McLean	Smith
Borah	George	McNary	Smoot
Brandegee	Gerry	Mayfield	Spencer
Brookhart	Glass	Moses	Stanfield
Broussard	Gooding	Neely	Stephens
Bruce	Harrell	Norris	Swanson
Bursum	Harrison	Oddie	Trammell
Capper	Howell	Overman	Wadsworth
Copeland	Johnson, Minn.	Pepper	Walsh, Mass.
Couzens	Jones, N. Mex.	Phipps	Walsh, Mont.
Curtis	Jones, Wash.	Pittman	Warren
Dale	Kendrick	Rakston	Watson
Edge	King	Ransdell	Willis
Edwards	Ladd	Reed, Pa.	
Ernst	Lodge	Robinson	

The PRESIDING OFFICER. Seventy Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed a bill (H. R. 6815) to authorize a temporary increase of the Coast Guard for law enforcement, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Presiding Officer [Mr. CURTIS] as Acting President pro tempore:

H. R. 2818. An act to grant the consent of Congress to construct, maintain, and operate a dam and spillway across the Waccamaw River, in North Carolina;

H. R. 3845. An act to authorize the construction of a bridge across the Little Calumet River at Riverdale, Ill.;

H. R. 4120. An act granting the consent of Congress to the Greater Wenatchee Irrigation District to construct, maintain, and operate a bridge across the Columbia River;

H. R. 4182. An act authorizing the city of Ludington, Mason County, Mich., to construct a bridge across an arm of Pere Marquette Lake;

H. R. 4187. An act to legalize a bridge across the St. Louis River in Carlton County, State of Minnesota;

H. R. 4457. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Cherokee Indians may have against the United States, and for other purposes;

H. R. 4984. An act to authorize the Clay County bridge district, in the State of Arkansas, to construct a bridge over Current River;

H. R. 5337. An act granting the consent of Congress to construct a bridge over the St. Croix River between Vanceboro, Me., and St. Croix, New Brunswick;

H. R. 5348. An act granting the consent of Congress for the construction of a bridge across the St. John River between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada; and

H. R. 5624. An act authorizing the construction of a bridge across the Ohio River to connect the city of Benwood, W. Va., and the city of Bellaire, Ohio.

PETITIONS AND MEMORIALS.

Mr. WARREN presented a telegram in the nature of a memorial from Lodge No. 883, Independent Order B'nai B'rith, of Cheyenne, Wyo., remonstrating against the passage of the so-called Johnson selective immigration bill, which was referred to the Committee on Immigration.

Mr. WILLIS presented resolutions adopted by the Lima (Ohio) Trades and Labor Council, favoring the restriction of narcotic production to medical and scientific needs, and also the holding of an international conference for the suppression of the narcotic traffic in Washington, D. C., or London, England, rather than in Geneva, Switzerland, which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (S. 2430) to create a commission to procure a design for a flag for the District of Columbia, and for other purposes, reported it without amendment and submitted a report (No. 244) thereon.

He also, from the same committee, to which was referred the bill (S. 112) providing for a comprehensive development of the park and playground system of the National Capital, reported it with amendments and submitted a report (No. 245) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 49) authorizing the President to require the United States Sugar Equalization Board (Inc.) to adjust a transaction relating to 3,500 tons of sugar imported from the Argentine Republic, reported it without amendment and submitted a report (No. 246) thereon.

ENROLLED JOINT RESOLUTION PRESENTED.

Mr. WATSON, from the Committee on Enrolled Bills, reported that on yesterday they presented to the President of the United States the enrolled joint resolution (S. J. Res. 91) to authorize the National Society United States Daughters of 1812 to place a marble tablet on the Francis Scott Key Bridge.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BALL:

A bill (S. 2819) to provide for the examination and registration of engineers in the District of Columbia; to the Committee on the District of Columbia.

By Mr. PHIPPS:

A bill (S. 2820) authorizing appropriations for medical-school building and equipment for Howard University; to the Committee on Public Buildings and Grounds.